

JUDAISM

CONSERVATIVE JUDAISM ON ITS NINETIETH BIRTHDAY

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JUDAISM, conceived as a free and non-partisan organ, is dedicated to the creative discussion and exposition of the religious, moral and philosophical concepts of Judaism and their relevance to the problems of modern society. Through an exploration of the meaning and needs of the Jewish experience, it hopes to widen the channels of communication between Jews and to affirm Jewish verity and vitality to the world at large.

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JUDAISM

A QUARTERLY JOURNAL

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a world-view on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God."—From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.

ANNOUNCEMENT

Our readers will note that the sponsorship of JUDAISM has now been broadened. It may be regarded as a sign of the growing influence of the journal and the prestigious position that it occupies throughout the world that World Jewish Congress has asked to become a co-sponsor with American Jewish Congress in its publication.

Of course, the columns of JUDAISM have always been open to contributors from all parts of the world. Our readership is also to be found in Europe, South America, Africa and Israel. Undoubtedly, the co-sponsorship of World Jewish Congress will enlarge and deepen the scope of the journal and increase the number of its readers both within and beyond the borders of the United States.

Beginning with this issue, JUDAISM is officially being published by American Jewish Congress and World Jewish Congress.

Robert Gordis,
Editor

The First Reader

Conservative Judaism in Our Day

The bulk of this issue is devoted to an extensive symposium on Conservative Judaism on the occasion of the 90th anniversary of the founding of the Jewish Theological Seminary. The participants are a cross-section of the outstanding leaders and thinkers of the movement, as well as distinguished representative of other movements in American Judaism—Orthodoxy, Reconstructionism and Reform.

Jewish Tradition and Social Life

As is well known, the Jewish tradition has a strong this-worldly emphasis. Its entire ritual system, particularly the various blessings to be recited when enjoying different experiences, testify to its wholehearted concern with the joys of life here and now.

In his paper, "Human Relationships in the Jewish Tradition," *Chaim W. Reines* discusses the teaching of Judaism with regard to the enjoyment of legitimate pleasure as representing fulfillment of the will of God.

Clarifying a Literary Confusion

The early nineteenth century Jewish woman leader, Rebecca Gratz, served, according to a well authenticated tradition, as the model for Rebecca, the heroine of Sir Walter Scott's *Ivanhoe*. She was not only a

beauty, if her portrait is to be trusted, but a blue-stocking, interested in Jewish as well as general culture.

In his paper, "The Mysterious Book of Jasher," *Arthur Chiel* takes as his point of departure Miss Gratz's correspondence about *Sepher Hayashar* which appeared in English and was eagerly read by her and her sister-in-law. Actually, there were no less than three books bearing the same title. One is an anonymous work to which two or three references are made in our Biblical text. The second, which was very popular, is a medieval Hebrew collection of rabbinic legends about Biblical characters. The third is a nineteenth century rationalist work in English masquerading under the same time-hallowed name. The Gratz women read an English version of the second book.

We All Come From Some Place Else

Long before Arthur Haley's book, *Roots*, was televised and became the entertainment sensation of the year, or of the decade, a parallel movement among American Jews to discover the sources of their being was underway, particularly among the youth. To be sure, the quest never attained the proportions of a mass stampede. On the other hand, it expressed itself in deeper terms than the "Roots" movement, with a solid sub-stratum of intellectual as well as emotional commitment.

In his review-essay, "*Die Goldene Medina*," *David J. Schnall* reviews two significant volumes that help the contemporary American (and Canadian) Jew relate to his background on this continent two or three generations ago.

R.G.

In Memoriam

In profound sorrow, we chronicle the passing of Will Herberg, the distinguished Jewish theologian and social thinker. When this journal was launched, in 1952, under the auspices of the American Jewish Congress, Dr. Herberg served not merely as a member of the Board of Editors but as the Managing Editor in the early years when the character of JUDAISM was being fashioned.

CONSERVATIVE JUDAISM ON ITS NINETIETH BIRTHDAY

Retrospect and Prospect

ROBERT GORDIS

WHILE ONE DAY OR ONE YEAR IS VERY MUCH like another, an anniversary offers a convenient opportunity for *heshbon hanefesh*, "spiritual stocktaking." The ninetieth anniversary of the founding of the Jewish Theological Seminary is an occasion for evaluating Conservative Judaism, the movement which it has created and nurtured.

It was in 1866 that a tiny school for the training of rabbis opened its doors in New York City. Its sponsors included the two main branches of world Jewry, Sephardic and Ashkenazic. Sabato Morais and H. Pereira Mendes were rabbis in the Western Sephardic tradition, whose Orthodoxy had survived and been mellowed by contact with Western culture. Three other founders were rabbis of East-European origin who had been trained in the West by the great scholars of the *Wissenschaft des Judentums*, the critical-historical method of Jewish research. One was Benjamin Szold, a gifted Biblical scholar and the author of a fine Hebrew commentary on the book of Job. The other two, Marcus Jastrow and Alexander Kohut, were the authors of the two most important Talmudic dictionaries that have thus far appeared.

This group of founders had their differences, but they were agreed upon two fundamentals: a) Judaism without tradition cannot survive nor does it deserve to do so, and b) the tradition is to be approached and understood within the context of history. The school was named, therefore, the Jewish Theological Seminary, an exact translation of the German name of the great institution in Breslau that had produced many, if not most, of the great scholars and leaders of modern Judaism. The charter of the Seminary called for the study and preservation of "Historical Judaism," a phrase that, to be sure, the various founders conceived of in slightly varying ways.

The institution lasted about a decade and ordained a handful of rabbis, one of whom became Chief Rabbi of the British Empire—when there still was an Empire. For lack of support and public interest, the Seminary then closed its doors.

The closing years of the nineteenth century and the first decade of the twentieth coincided with the vast flood of immigration to the United States from Eastern Europe that was to produce the great American-Jewish community of this century. Viewing the influx of East-European Jews, several of the leaders of American Jewry at the time, virtually all of them of German extraction and adherents of Reform Judaism, were sufficiently concerned and perspicacious to recognize that it was necessary to establish an institution for the training of rabbis and teachers who would be loyal to tradition, so that they could speak to Jews coming out of the intense and vibrant Jewish life of Eastern Europe, and, at the same time, would be responsive to the new conditions, problems and attitudes that would inevitably emerge in the new American environment.

Led by Jacob H. Schiff, a group of American-Jewish leaders invited Solomon Schechter, then Reader in Rabbinics at Cambridge University, to become President of the Seminary. The rest is history. Schechter's passionate love for Jews and Judaism and his dynamic personality were so impressive that, though he died more than sixty years ago, in 1915, having served as President for only thirteen years, the institution is still popularly referred to as "Schechter's Seminary." A brilliant scholar himself, he assembled a group of young and promising minds for the faculty,—Ginzberg, Marx, Friedlander, Davidson and, a little later, two graduates of the Seminary, Kaplan and Finkelstein. Their extraordinary contributions to Jewish learning gave the Seminary a unique scholarly position in the world and their teaching, directly and indirectly, made it the center of a new alignment called Conservative Judaism.

On the hundredth anniversary of the founding of the Central Conference of American Rabbis, JUDAISM published a symposium on Reform Judaism (Winter, 1974). Now, a similar anniversary in the history of Conservative Judaism offers the occasion for evaluating the achievements and the problems of the movement.

It is only by dint of extraordinary self-control, aided by natural indolence, that as Editor of this journal I have refrained from participating in the symposium. As many of our readers know, one of the major aspects of my career has been my commitment to Conservative Judaism. Through the written and the spoken word I have sought, in common with other colleagues, to establish the movement on firm ideological foundations. I have also played a role in translating its philosophy of thought into a program of action. I served as Chairman of the Joint Prayerbook Commission of the Rabbinical Assembly and the United Synagogue, which published *The Sabbath and Festival Prayerbook* in 1946. Not only was this the first official prayerbook of the movement, but it marked the birth of a traditional liturgy that expresses the aspirations and convictions of Conservative Judaism. During my incumbency as President of the Rabbinical Assembly, I launched *Conservative Judaism*, the official organ of the movement. After decades of desultory discussion, I succeeded in setting

up a Pension Fund for rabbis on retirement, a pattern followed by the other agencies of the movement. In 1950, I established in Belle Harbor, New York, what is today the oldest existing Conservative Day School in the country. At the time, these activities were looked at askance, even by many within the movement. Today, activities such as these are recognized as fundamental elements in the program of Conservative Judaism.

In spite of my life-long concern with the movement, I have refrained from commenting on, or modifying, any statements by our contributors which seem to be to be misinterpretations of Conservative Judaism, however well-intentioned. The only changes that have been introduced are a handful of corrections of factual errors, involving names and dates.

It should not be necessary to point out that the ideas expressed by each writer are his own and are not to be construed as necessarily representative of any movement or institution with which he is associated. Since each contribution to the symposium was written independently, a measure of repetition was naturally unavoidable.

We have invited a cross-section of American-Jewish leadership, both rabbinic and lay, to evaluate Conservative Judaism and offer a candid analysis of its virtues, its shortcomings and the problems that confront it and Judaism as a whole. The structure of the symposium and, even more, the articles themselves, will demonstrate the broad-based character of the discussion. Incidentally, it exemplified our fundamental editorial policy that "the only line of JUDAISM is that it has no line."

The first section, "The Gaze Within," surveys Conservative Judaism by some of its leading spokesmen in the rabbinate and the laity. The distinguished Chancellor-Emeritus of the Jewish Theological Seminary reflects on the early history and spirit of the institution. His successor, the present Chancellor, looks forward to the problems and opportunities of the future. The incumbent President of the Rabbinical Assembly and his immediate predecessor speak out of their concrete experiences in leadership. The executive vice-president of the Rabbinical Assembly, with a background of many years of active concern, underscores the right and duty of the movement to articulate its own standpoint and, thus, contribute to the health and vitality of Judaism as a whole.

The congregational arm of the movement, the United Synagogue of America, is represented by contributions from its Executive Vice-President, its President, and his predecessor. The dynamic Women's League for Conservative Judaism speaks through the observations and reflections of its President.

Observers have frequently noted—and often drawn the wrong conclusions—that the Conservative movement includes varying theological and halakhic positions which are conventionally described as right, left and center. The contributions by three representatives of these trends demonstrate both the breadth of view characteristic of the movement and its over-arching unity.

The second section of the symposium, "The View From the Right," offers the frank observations and reactions of several leaders in Orthodoxy. One has served as spiritual leader of an outstanding congregation in New York and has made distinguished contributions to Jewish education in America and in Israel. Other contributions appear from the pens of a dynamic young rabbi who has achieved extraordinary rapport with young people in the East, and an eminent religious thinker and scholar in the Mid-West.

The third section, "The View From the Left," opens with a candid and critical appraisal of the movement by the President of the Reconstructionist Rabbinical College, himself a former President of the Rabbinical Assembly. Two past Presidents of the Central Conference of American Rabbis, one from the East and one from the West, and an outstanding Reform theologian offer their analyses of Conservative Judaism from their respective points of vantage.

Perhaps I may be pardoned for making two general observations. The first is to recognize the candor with which Conservative Jewish leaders and thinkers address themselves to the weaknesses of the movement and the issues that must be faced. The second is to note the warm spirit of friendship and brotherly concern evinced by all of the writers, including those who stand outside the movement. Even in this day of violence, divisiveness, and partisanship, our eminent contributors testify to the vitality of the sentiment expressed in the old Yiddish song, *Vos mir zainen, zainen mir, ober yidn zainen mir*, "Whatever we may be, Jews we are."

This spirit augurs well for the future of Judaism in America, today, tomorrow and, surely, the day after tomorrow.

THE GAZE WITHIN

The Ideals of the Founders

LOUIS FINKELSTEIN

THE ORIGINS OF AMERICAN CONSERVATIVE Judaism are frequently traced to the builders of the Historical School of Jewish scholarship in nineteenth century Germany, particularly to Zechariah Frankel and his co-workers. But if, by Conservative Judaism, we mean a new and conscientious combination of tradition and change, as its adherents assert, its true roots are to be found in the very nature of Judaism itself, particularly in the men who made it possible for Judaism to survive the great catastrophes which befell the Jewish people across the ages. A study of how the greatest leaders managed to preserve a sense of continuity with the past, along with a vivid perception of the needs of the present would require many volumes. This essay will be limited in its scope, therefore, to the ideals of the immediate founders of Conservative Judaism in America, who earnestly believed that they were following in the footsteps of Hillel, Rabban Johanan b. Zakkai, Rabbi Akiba and his disciples in the Holy Land, in Babylonia, and in medieval Europe, spanning the generations from Rab in the third century C.E. to Rabbi Israel Salanter in the nineteenth.

Even among these direct founders of Conservative Judaism in America, it may be best to consider only the few who placed their stamp on the development of a self-conscious new movement, set its goals, and pursued them to the best of their ability. Among these we may properly single out five: Solomon Schechter, Cyrus Adler, Louis Ginzberg, Israel Friedlander and Alexander Marx. Differing among themselves in fundamental attitudes, in character, in erudition, in emphasis on the relative importance of tradition and of change, and in their methods, they were, together, the architects of what has emerged as American Conservative Judaism in the form in which it is known today.

All of these men, despite their differences from one another, which were great, had in common not only devotion to the idea of the preservation of Judaism, but a faith that, given wise guidance, the future of Judaism as an effective religious, spiritual and moral force among its own people and in the world was assured. American Judaism was fortunate in the existence of these five men in the same generation. They were learned, dedicated, remarkably courageous and daring, supremely gifted

LOUIS FINKELSTEIN is the former Chancellor of the Jewish Theological Seminary.

and self-confident, as well as, in varying degrees, selfless, deeply conscious of the great past of Judaism, and determined to assure its future in a new land where that seemed precarious indeed.

Like their forerunners, Hillel and his predecessors, who founded the Synagogue while the Temple still existed, they placed their faith primarily in Jewish scholarship and education, with the supreme confidence that, given these, observance of the moral and ritual commandments would necessarily follow. They were more concerned with love for God than with fear of Him; they considered the moral commandments of the Torah as important as its ritual, perhaps even more important. They believed that the unity of the Jewish people was indispensable to its survival, that uniformity of observance, if it could not be achieved, was of secondary significance, and they hoped that, through emphasis on Jewish learning, they had found a means to create Jewish unity around a great, central institution which might take its place in the long series of Rabbinic academies, leading from Yabneh to Usha, to Sepphoris, to Tiberias, to Sura and Pumbedita, to the great Jewish academies of North Africa, Spain, France and Germany, and from them to Poland, and Lithuania. With the exception of Dr. Cyrus Adler and Professor Alexander Marx, they derived from Eastern Europe, and retained great respect for its Rabbinic scholars who, until that time, had been ignored in the West. Schechter and Friedlander also respected and loved Hasidic mystics, who had previously been held in contempt by Jewish scholars of the West.

Thus, they virtually created, *ex nihilo* (for the Seminary which they reorganized had been really defunct), a great institution of learning, expecting it, because of the erudition of its scholars, spiritually to dominate the whole of American Judaism. They believed that the children of both the Orthodox Jews of the time, and the radical deviants from Judaism (mainly workers, organized in increasing numbers of trade unions, and most of them Socialists), could be won to Conservative Judaism. As these were educated, they would be attracted to a form of Judaism whose main emphasis was on scholarship and learning, as well as on the ethical relations between man and man. None of the Founders seems to have foreseen the immense influence which the movement that they were creating would exert on both Orthodoxy and Reform, bringing both closer to the ideals of Conservative Judaism and, in the process, being re-invigorated while remaining independent movements. Looking back, one realizes how different are modern Reform Judaism and modern Orthodoxy from what they were in the early 1900s.

It was Solomon Schechter and Cyrus Adler who, together, created the United Synagogue, apparently so named because they hoped that it would ultimately unite all factions adhering to tradition. Adler, with his genius for organization and administration, and with his knowledge of the nature of popular institutions, advised that the United Synagogue be made simply a part of the Seminary. Schechter, with his mystic faith in the

Jewish people and in the traditional respect of Jews for authentic Jewish scholarship, determined that it ought to be an independent institution, guided by the Seminary scholars, out of love and respect for them, but able to make independent decisions.

Curiously, none of these founders was a professional philosopher, although Professor Ginzberg had a very good philosophical training. Perhaps this lack, combined with their keen awareness that, traditionally, Judaism put little stress on verbally formulated propositions, led to their comparative indifference to systematic theology. Their great concern, next to that for precise and authentic Jewish scholarship and widespread Jewish education, was with what may be called symbolic conduct—ideas as articulated in action rather than in words.

To assert in words one's faith in the Deity meant little (although to deny it meant much); but to act on that faith was of the very essence of Judaism. Thus, they found themselves tolerant of various theological interpretations of Judaism so long as there was no denial of faith, and there was no challenge to study and observance of the Torah and its commandments.

Their concern for change, as well as for the changeless, was profound. It was not, however, a mere yielding to what was convenient and opportune. None of them was either a personal or institutional opportunist. Integrity of thought and conduct was one of the basic characteristics which they all shared. Their approach toward Jewish law and custom was inherently a judicial one—modeled after that of the Talmud itself—to discover what Rabbinic law *meant* under new circumstances. The most dramatic expression of this recognition that the changeless itself implied change led to their adherence to political Zionism. (Dr. Adler's deviation from the attitude of his colleagues in this respect, which ended with the formation of the Jewish Agency in 1929, derived not from any indifference to the resettlement of Jews in the Holy Land, but from concern for the secular, and sometimes irreligious, leadership of the movement—a concern shared by his colleagues, but which did not prevent them from becoming affiliated and active Zionists.)

That these great scholars were no mere ivory tower academicians, unable to deal with the facts of human life, but conscious of an effective structure for American Judaism, is obvious from the remarkable results of their labors—the emergence of American Conservative Judaism, which they founded, and which has remained, in general, loyal to their ideals, as the predominant form of Jewish religious life in the United States and Canada. Some sociologists trace this development simply to the socio-psychological forces at work in American Jewry, but they completely underestimate the role of ideas and of the individuals articulating them in the development of civilization and, particularly, religion.

The transformation of American Judaism since the time of Solomon Schechter and of his colleagues certainly was, in part, the effect of the

deep nostalgia of former East-European and Central European Jews and their children for the Jewish life of their fathers. But without the guidance of the Conservative rabbinate in this country, this hunger would have remained unsatisfied, as is obvious from a comparison of the state of Judaism in America, i.e., the United States and Canada, with that in other countries. It was the Conservative rabbi who guided the people to find their way to a form of Judaism which was at once traditional and yet seemed common sense to them. And the Conservative rabbi was, and is, the creature of the founders of the Jewish Theological Seminary of America, themselves the ardent and conscious disciples of a long array of the foremost teachers of Judaism, going back to the Prophets themselves.

The Present State of Conservative Judaism

GERSON D. COHEN

HOWEVER PRECARIOUS THE INDULGENCE in self-appraisal—for one stands condemned by one's own words no matter what the verdict—some amount of introspection and self-evaluation is not only inevitable but, indeed, quite necessary, particularly for one engaged in an effort to shape the religious, moral and cultural climate of one's time and place. While the present *status* of Conservative Judaism, at least in the United States and Canada, gives me no cause for thought, let alone concern, I am, I will confess at once, obsessed over the present *state* of Conservative Judaism, for the future of Judaism, here as well as in Israel and elsewhere, will be largely determined by the present state of things within the central institutions of Conservative Judaism. It is not the perception by others of contemporary Conservative Judaism, but, rather, my own yardsticks of spiritual health, that make me agonize about the shortcomings of the religious and cultural type with which the largest number of religiously affiliated American Jews identify.

What these yardsticks are I trust will become evident from the following paragraphs. For the moment, it would be best for me to adhere as closely as possible to the topic of this symposium as defined by the Editor of JUDAISM and spell out as unequivocally as I can my perception of the present state of Conservative Judaism in America. (It is far too early to do

GERSON D. COHEN is *Chancellor of the Jewish Theological Seminary*.

the same for Israel, where Conservative Judaism is only beginning to take root.)

When I try to see contemporary Conservative Judaism in the perspective of history, it seems to me that it is at once only first recovering from, and yet continuing to show the effects of, grievous blows that it suffered at the hands of the leadership of the right and left wings within its own camp in the thirties and forties. (I keep harping on the word contemporary for I see no point in taking refuge in the positive historical Judaism of nineteenth century Germany, which is about as apposite a point of reference to our contemporary situation as classical Bundism is to contemporary Jewish socialists.) The most vigorous onslaught on the admittedly amorphous but, nonetheless, quite discernible goals of Conservative Judaism—which were to build a community committed to the principles of Jewish law and classical Jewish values—came not from Orthodoxy or Reform but from Mordecai M. Kaplan and his disciples.

Kaplan, to be sure, provided a great shot in the arm to many who sought a rationale for continued adherence to religious institutions and to usages that were not very fashionable in the eyes of people who had been deeply influenced by the spokesmen of the Hebrew renaissance, viz. Berdichevsky, Aḥad Ha'am, Brenner, Tchernichovsky and so on. In doing so, he provided for people who could identify with neither Orthodoxy nor Yiddishist secularism an alternative to withdrawal from the Jewish community. But, like many another reformer, his barbs found their most telling marks within his own camp. The only quarter within the Jewish community in which Kaplan's *theology* had any effect was within the Conservative movement. Now that Reconstructionism has effectively read itself out of the mainstream of Conservative Judaism, the progressive shift on the part of the movement generally to classical postures and forms of expression—liturgically, ritually, theologically—is evident to any dispassionate observer.

To some extent, to be sure, this shift has gained momentum from the general resurgence of neo-classicism in theological circles and from the anti-intellectualism and flight from genuine humanism in many quarters. Nonetheless, it is fairest to judge a trend by its best spokesmen. I discern among the best and the brightest of our young Jewish people not a yearning for fundamentalism but a quest for the classical. Hence, if, on the one hand, Conservative Judaism is beginning to show signs of recovery from the Kaplanian challenge, on the other hand it is also beginning to show a healthy restiveness with the slow and almost immobile halakhic stance of its own spiritual confrères on the right. (Any dispassionate historical examination of the record will reveal that the extreme right wing within the Conservative movement was never powerful enough to maintain the principle of halakhic immobility in Conservative Judaism.)

We are, I believe, only in the first stages of this recovery from the pains of the confrontation with modernity within Conservative Judaism.

While it is almost a certainty to me that, within the foreseeable future, the Conservative movement will suffer continued growing pains and internal differences, the source of those pains, as I see it, gives me cause for hope rather than anguish, let alone despair. Conservative Judaism is seeking a way to articulate, in theory as well as in practice, its deep seated commitment to tradition as examined and interpreted by the tools of critical study and intelligence. That quest is complicated by the fact that our people has not yet adjusted to the challenge of freedom and to the breaking of the shackles of the ghetto. We may no longer be the generation of the desert. But the period of conquest is by no means over.

The outsider and the student who judge Conservative Judaism by the canons that are normally applied to other religious movements see only the "dilemmas" and the purely sociological foundations of the movement. To one standing on the inside and measuring the development of Conservative Judaism by the yardstick of history—its own and that of other Jewish movements—the remarkable thing about it has been its success in reproducing itself from within its own camp and giving continuity to the scholarly foundation on which the movement first rose. Moreover, the scholarship is authentically rabbinic, thus giving promise that Conservatism will adhere to its classical rabbinic moorings. No other religious movement in modern Judaism has succeeded in generating the amount and the quality of Jewish scholarship that Conservative Judaism has. Scholarship, in itself, is no guarantee of theological vitality, but within Judaism its absence is a sure sign of sterility or fossilization. Thus far, Conservative Judaism has averted both of these threats, and it gives every sign of continuing to mobilize some of its brightest adherents into the area of the cultivation of Torah, by which I mean the reconquest of the ancient textual foundations on which any authentic Judaism must rest.

What is very significant, at least to this observer, is that some of the best of today's younger scholars have come from Conservative synagogues. This fact is no small tribute to the actual impact of the Conservative rabbinate on the one hand, and to the faith of the dedicated faculty of the Seminary on the other, namely, that native Americans who had never seen the inside of a *yeshivah* were yet capable of achieving genuine mastery over the most technical aspects of rabbinics. (There is an incidental sociological phenomenon about these native scholars who are products of genuinely Conservative homes and it is that the literature which they have been studying has evidently exercised a cogency of its own and made of them genuine traditionalists. None has become an adherent of Reconstructionism or Reform.) All this is important, for, in the final analysis, every form of Judaism will be measured by the extent of its mastery and cultivation of the Torah, oral as well as written. Conservative Judaism ultimately remains, and I believe will continue to remain, rooted in the traditional pillars of Judaism, among which rabbinics is the central one.

Critical observers of Conservative Judaism, some of them even adherents and proponents, have on occasion remarked that Conservative Judaism has no genuine constituency but only a rabbinate and a scholarly class. Whatever the merits of this punditry, I certainly think it is fair to say that Conservative Judaism has determined the dominant styles and postures of contemporary American Jewish life, or at least that its canons are the ones that have become generally accepted in public Jewish life. *Kashrut* has become increasingly fashionable—and economically viable—owing not to the handful of Orthodox families that persisted in their loyalty to traditional Jewish dietary laws a generation ago, but because Conservative congregations were insistent on the maintenance of the dietary laws in their own synagogues and wherever possible in the Jewish community at large. It is a matter of record that Conservative rabbis have been among the most militant and vociferous battlers for the introduction of *kashrut* in all corners of the community. Orthodoxy benefitted from this loyalty and then claimed the achievement as its own.

What is true of *kashrut* is true of the Sabbath, of the Hebrew language in the synagogue, and of rites of marriage, divorce and conversion to Judaism, to mention but the cardinal institutions. The *tallit*, the bar mitzvah ceremony, the reading of the Torah, the increased use of Hebrew in the synagogue service and, yes, even *kashrut* have made their way increasingly into Reform synagogues and schools thanks to Conservative influence. To be sure, there were many factors that combined to gain for these rites and usages renewed respectability and appeal, but the pace and tone have been set by Conservatism. In this connection, not the least significant contribution to American Judaism was its having made Zionism virtually a cornerstone of modern Jewish faith. It is often forgotten that Conservative Judaism is the only stream in modern Judaism, including Reform, Orthodoxy and secularism, that has never had an anti-Zionist wing within its camp.

Conservative Judaism remains, I believe, the pace-setter, at least for positive adherence to historic forms and values. In this connection, it may not be amiss to mention that the tremendous vogue which Jewish educational camping enjoys in the contemporary Jewish community dates back not to Achvah, Machanaim and Modin, but to Massad and Ramah, which were conceived in the halls of the Jewish Theological Seminary and given their major initial momentum by Conservative leadership. The same is true for the relatively new and rapidly growing interest in Jewish art which was born in, and is still maintained by, The Jewish Museum, which many are surprised to learn is a department of the Seminary and, therefore, a child of Conservative Judaism.

But, in the final analysis, it will be said, a movement must be judged by its mass impact, and this inevitably brings us to the Conservative synagogue. Whatever may be said of the Conservative synagogue—and the fact is that it is not a monolithic institution but a catch-all name for

institutions ranging from totally traditionalist to free-floating and innovative—it has become the center of Jewish communal activity on the local level for the overwhelming majority of affiliated Jews in the United States. It has achieved a great measure of success in displacing the secular Jewish community center as the locus of continuing Jewish education and, even, of Jewish social life. It certainly was the rallying point for much of the Zionist activity in this country, and it is to the synagogue that Israel, as well as many a local Federation and Welfare Fund, owes its broad base of support. Without the synagogue, the American Jewish community would be but a pale fragment of what it is today. In this respect it was the Conservative synagogue that determined the programs which would be adopted by Reform and, more recently, by some Orthodox institutions.

With all of its strength and substantive achievements on the local and national, or, more properly, continental levels, the Conservative movement suffers a mediocre press at best, and more often than not a fairly bad one. Why? In some measure, the attacks on its ideological “dilemmas” are merely rehashings of the classic Kaplanian attack of 1935 in *Judaism as a Civilization* as well as echoes of the new militancy within Orthodoxy. This is not the place to explain the appeal that Orthodoxy has to some Jews whose own religious posture is one of personal detachment from the organized religious community and personal indifference to Jewish observance. Suffice it to say that they find Orthodox rhetoric useful in rationalizing their own rejection of Conservative Judaism, which, they are well aware, evokes the widest consent among religiously affiliated Jews. Some sociologists and theological critics have chosen to study Conservative Judaism in the mass and, accordingly, have seized upon its ideologically weakest points on which to focus. This is odd, to say the least, for one does not ordinarily appraise the theology of a religious group from the confusions or unauthorized statements of individuals. The latter may provide evidence of stirrings or restiveness within a church, and that is what may well be gleaned from the openness and diversity within the Conservative movement. However, the fact is that Conservative Judaism has generated considerable theological expression, reflecting a wide spectrum of authors. Curiously, it is the only theological group in the Jewish community that has virtually invited attack by encouraging controversy and diversity. It has done so in an area where laity often prefer uniformity and even a dogmatism if only so that they might all the more readily disassociate themselves from the religious position in question.

All this is not meant to imply that Conservative Judaism does not suffer substantive weaknesses, and I shall try to spell out a few of those that trouble me most. Genrally, Conservative Judaism has neither been accorded credit for its unique attainments, nor has it been criticized for its actual shortcomings.

The chief weakness that strikes any observer is its failure to realize the potential within its lay leadership. In the first place, many distinguished

and sophisticated Conservative Jews of the United States have thus far withheld their talents from the movement's lay organizations, male and female alike. Hence it comes about that some of the best Conservative Jews are to be found in non-sectarian organizations like the Federations and UJA.

Conservative Judaism is also conspicuously weak in its youth activities, despite the notable successes of Camp Ramah and the United Synagogue Youth. And here I come to what I perceive to be the underlying deficiency in the movement and, hence, to what I believe should assume first place on the agenda of Conservative Judaism. What is obviously sorely lacking today is a broad base of Conservative laity which is sufficiently knowledgeable and sophisticated in classical Judaism to be able to mediate the classical teachings to all Jews of modern America, whether affiliated or not. What is immediately required, therefore, is a strong emphasis on mass learning within our movement so that the canard that only Conservative rabbis identify with the principle of "tradition and change" can finally be put to rest. I look forward to the day when it will be commonplace to enter a Conservative synagogue before services begin and find that the *shiat h'ullin* of the laity consists of *divrei Torah*.

But this should not be construed as a complete program, for the amassing of knowledge, as indispensable as it is to a traditional Jewish framework, cannot, of itself, revitalize and rejuvenate a mass movement. Ideological and institutional components must play vital roles in this process.

Ideologically, it is imperative for Conservative Judaism to develop a clear and unequivocal set of religious and national goals—a long term program—which is apposite to America in the latter part of the 20th century. Nothing less will provide the movement with the internal vigor and the external image which weigh so heavily in the determination of its future course. Here I suspect that its present deficiency can be traced to Conservatism's failure to develop and encourage what I would call a fervent center which would provide spiritual ferment and a self-correcting mechanism for the vast majority who are the "bourgeois" pillars of its community. Only such a corps of passionately dedicated Conservative Jews can generate the ideological vitality which we can no longer afford to have generated by a process of slow and spontaneous evolution.

Institutionally, Conservatism will have to face the fact that Orthodoxy has categorically rejected it (except in those cases where Orthodoxy finds that cooperation with the Conservative movement is unavoidable). Accordingly, Conservative Jews will have to build up an entire network of their own autonomous institutions over and beyond those that already exist. I mean a vast number of day schools on the elementary and high school level, *miqvaot*, and such functionaries as experts on Jewish divorce law, *mohalim*, *mashgi'im* and the like. The absence of these institu-

tional components as native products of Conservative Judaism make Orthodoxy seem authentic and undermine the confidence and self-esteem of the Conservative rabbinate and laity alike.

But with this we have begun to pass from the *state* of Conservative Judaism to the details of a program for the future. What will actually come to pass lies not in the realm of the historian but within the purview of the prophet and, hopefully, of an imaginative and courageous leadership.

Where Do We Stand Now?

STANLEY RABINOWITZ

AS MY GRANDFATHER, *OLOV HA-SHALOM*, explained it, "Reform Judaism is like a bottle with its label marked 'Poison.' Its presence in a medicine chest calls for caution. Conservative Judaism is also a bottle of poison, but without the label; it is far more dangerous."

"The Conservatives are more dangerous than Reform," echoes a recent editorial in an Israeli Orthodox newspaper, *Ha-modia* (Nov. 12, 1976), "because of the movement's hypocrisy which is likely to mislead many who don't know any better."

And as a rabbinic defector put it, "I wish someone would tell us what Conservative Judaism is so that we would know what it is that we are deviating from."

The criticism of being all things to all people fails to note that the uniqueness of Conservative Judaism lies precisely in its ability to embrace not contradictory, but alternative, positions. Acceptance of diversity is its strength.

The movement was formed originally by a coalition drawn from different social strata who established the Jewish Theological Seminary in order to oppose radical Reformism and to provide leaders for the waves of new immigrants who came to the United States in the early 1900s. Its philosophy was the product of a confluence of ideas that responded to the challenges of living in a predominantly Christian environment and of earning a living in America's demanding and Sabbath-defying economic edifice.

Some years ago, Dr. Robert Gordis identified the confluence of the

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ideas that formed the Conservative movement and the people who framed them as follows: Zechariah Frankel and positive historic Judaism; Solomon Schechter and catholic Israel; Ahad Ha'am and Israel Friedlander and the place of Zion; Louis Ginzberg and the scientific study of tradition; Mordecai M. Kaplan, *yibadel l'hayyim*, and the definition of Judaism as the evolving religious civilization of the Jewish People.

In its earliest formulation, as expressed in the founding of the Jewish Theological Seminary and of the United Synagogue, its leaders refused to see the movement as a distinctive expression, but equated it with normative Judaism, the legitimate end product of an historic tradition, not differing essentially from Orthodoxy except for minor ritual observances and certain theological interpretations.

More recently, and more realistically, leaders of the movement came to recognize Conservative Judaism as a distinctive trend in Jewish religious life, one which encouraged modification of traditional observances while respecting the need for historic continuity, and unified by a consensus to yield in areas regarded as unessential while holding fast to the essential.

Frequently accused of being all things to all people, a timid Reform or, alternatively, a tepid Orthodoxy, one of the movement's philosopher-founders and the father of what once was its Reconstructionist wing, now separated as a distinctive approach, some years ago identified those principles which distinguished the Conservative movement from the other movements and which, together, formed the philosophical profile of Conservative Judaism, as follows:

1. the indispensability of Erez Yisrael for Jewish life in the Diaspora;
2. the primacy of religion as the expression of collective Jewish life;
3. the maximum possible plentitude of Jewish content, including the use of Hebrew (Judaism is broader than worship and ritual);
4. the encouragement of the scientific approach in Jewish higher learning (Waxman, *Tradition and Change*, p. 215).

While one or another of these elements was to be found in either Orthodoxy or Reform, none of the other two movements at that time, and perhaps even now, embraces the total configuration.

The uniqueness of Conservative Judaism and where it differs from either Orthodoxy or Reform today lies in the authority that it assigns to the Jewish people for the contemporary validation of Jewish practice; this is the implication of Schechter's concept of "catholic Israel."

Conservative Judaism, being people-centered, is community-oriented and, in some areas, the breadth of its program portends conflict with Federations and Federation-supported agencies. Its emphasis on education has tended toward advocating maximum hours (six per week is the optimum) with stress on the study of Hebrew language. A nationwide system of Ramah Camps and of Solomon Schechter Day Schools reflects an educational emphasis which seeks to integrate maximum Hebrew

education and religious practice within the framework of a healthy regard for the richness of the American culture.

Because it is people-centered, Conservative Judaism has been influenced as much by demography as by theology. The proliferation of suburban, child-centered synagogues, accessible primarily, if not only, by automobile, has rendered the Sabbath parking lot legitimate *de facto* if not halakhically *de jure*. The suburban synagogue is not a *shul*, and it has become a service center for its affiliated members rather than a communal center.

Conservative Jews today, rabbis and laymen alike, are, for the most part, two generations removed from the immigrant generation. In many cases the grandfather, child of an immigrant, having forgotten his *heder*, reads the *b'rakhot* of the Torah only in transliteration, while his grandson at his Bar Mitzvah chants fluently from the Torah scroll. Sociologically, Conservative Jews are no longer caught between the excluding world of the dominant society and the exclusive world of the Jewish ghetto. Their children, no longer excluded from careers of choice and no longer driven to seek financial success as a symbol of status, have turned to the professions when they have not entered the family enterprise.

They seek creature comforts for themselves and their children; there is, thus, resistance to the six-hour-per-week afternoon school (though not, paradoxically, to acceptance of all-day Jewish schools in cities where the public schools have gone awry). This is a generation that may seek to modify Judaism but no longer seeks to escape it. It wants Jewish identity and accepts Jewish commitment but without nostalgia for a past which many never knew. The Conservative Jew defines his Jewish identity as his religion even though its practice may include precious little of the observances and beliefs which the term "religion" conveyed to previous generations.

The Conservative Jew no longer regards America as *goyish* and whatever came out of Europe as Jewish; he demands his equal share of public invocations to Deity, for his Judaism is one of America's three (or is it four?) faiths. He is no longer self-conscious about abandoning Orthodoxy (many have never worshipped in or even visited an Orthodox *shul*) and is equally secure in being non-Reform, a bit uncertain about the propriety of taking off his hat when at worship and still ambivalent about a female at the pulpit though she is accepted in the pew. Conservative Judaism's rabbis and teachers are increasingly bred from its own loins, unlike the early days when both were drawn from Orthodox *yeshivot*, both here and in the lamented centers of European Jewry.

While the difference between Conservative Judaism and Reform has diminished—theologically, sociologically, economically and halakhically—differences yet remain. Conservative Judaism still resists drastic change, and yields hesitatingly (some will say grudgingly and others responsibly) to the pressures for adjustment. It retains its respect

for tradition, accepting the premise that to live without law is anarchy even though one cannot ask that all live under a code of practice originating thousands of years ago and resistant to change.

The movement has bred children of its discontent, some institutionalized and separate—like the Reconstructionist movement—and others still inchoate and constantly in search: *havvurot*, fellows of Camp Ramah, disciples of the Jewish Catalogs—who reject the massive and the formal in favor of communion within the intimacy of the small and warm fellowship where one can touch and be touched.

Because Conservative Judaism is a product of an original coalition and a later confluence of ideas, uniformity of belief and practice was never possible. Differences of opinion persist, revolving largely around diverse views on Jewish law and practice. The question, then, for the contemporary generation is: Can halakhah still govern the lives of Jews—in Israel and outside of Israel—who, together, share the blessings, as well as the perplexities, of a complex world in which space and even time are no longer defined in the dimensions of the generation that brought the halakhah into being? “The Code of Hammurabi can rest unchanged in the Louvre. The Torah, to endure, must partake of the vitality, the adaptability and fluidity of all living organisms,” said Rabbi Louis Finkelstein, long-time President and Chancellor of the Jewish Theological Seminary.

In responding to the challenge of reconciling halakhah with life, those in the Conservative rabbinate align themselves along a spectrum reading from right to left, each demanding compromise from the other, with a middle group mediating between the two. While the Reform rabbinate is free of the restraints of halakhah, and the Orthodox is bound by it, the Conservative rabbinate struggles with it.

Those on the leftward side of the halakhic, but not necessarily theological, spectrum, feel that in those areas where the traditional halakhah is unresponsive to contemporary needs the rabbinate may, and should, issue rulings—or *takkanot*—that go beyond the halakhah but that flow from its spirit, since the power to issue *takkanot* has rested in rabbinic courts in every generation.

On this basis women have been included in the quorum of daily prayer, riding to the synagogue on the Sabbath has been permitted, and permission to grant a *get* has been approved even without the husband's specific instructions, the latter ruling being on the traditional principle that when the Bet Din cannot persuade a husband to grant a divorce it can annul the marriage and thus set the woman free, since legality of marriage stems from rabbinic authority.

The centrist wing, in varying degree, requires halakhic precedent for resolving questions of Jewish law, but, unlike the Orthodox, where the latest halakhic pronouncement fails to yield an effective position, the centrists will search for, and rely on, an earlier source for guidance. The

right, and few are the caucuses which identify them, differ only in degree from the centrists, but, together with them, balance the *takkanah*-prone tendencies of their more flexible colleagues.

Differences of interpretation of Jewish law are bridged by a Law Committee whose membership reflects the diversity within the movement and whose unanimous decisions are binding upon all Conservative rabbis and the congregations that they serve. (Example: No rabbi may officiate at, and no synagogue may offer its facilities for, the marriage of a Jew to an unconverted non-Jew.) Failing a unanimous decision on any interpretation of Jewish law, rabbis and congregations are free to follow the alternative opinions enunciated by the Law Committee whose discussions, consensus positions, and opinions both reflect and serve the movement's diversity. Only if Conservative Judaism were to fix its posture on either the right or on the left would it face the dilemma of freezing out either of the two extreme (but not extremist) positions that it presently embraces.

Adjusting halakhah is not a matter of making it easier or harder to be a Jew. It is a matter of performing the creative act of making Jewish law relevant to our time and worthy of the people who brought it into being. It is a matter of preserving the Jews as an identifiable group in whatever land they may live. Halakhah must carry on a dialogue with the past and not merely echo it.

The differences in Jewish observance and the relationship to Israel which once divided the Reform, Conservative and Orthodox have, admittedly, narrowed, for each of the movements has influenced the other. To a large extent it is institutional loyalties and social class rather than ideological differentia which dictate the groups to which we belong and the institutions with which we identify.

Perhaps those who differ both within and without the Conservative movement do so primarily in their definition of Judaism. Some will say that it is that system of beliefs and practices which has been outlined and prescribed by sacred texts and their historic interpretation. Others will say that Judaism is what Jews do and believe. It remains the function and challenge of the movement's teachers and leaders to bridge the distance between the beliefs and practices of the contemporary Jew and the beliefs and practices outlined in those texts. It is in the reconciliation of the gap between the ideal and the real that Conservative Judaism functions best.

The Basic Issues—An Analysis

MORDECAI WAXMAN

THE RISE OF *JÜDISCHE WISSENSCHAFT*, WITH ITS emphasis upon exploring the history of the Jewish people and the history of the Jewish tradition, combined with the sociological facts of Jewish life in 19th century Germany, made Conservative Judaism an intellectual inevitability. The continuation and application of these studies at the end of the 19th century and in the 20th century in America, combined with the sociological facts of American Jewish life, made the Conservative outlook a potent force in the United States. The determination of American Jewry after the Second World War to respond to the challenge of the Holocaust by affirming its identity in religious terms, combined with the resolution of the children and grandchildren of East European immigrants to create an American form of Judaism, made the Conservative movement the largest of the three denominations of Judaism in the United States. The result is that Conservative Judaism, ninety years after its founding in the United States, through the medium of the Jewish Theological Seminary, is strong and vigorous. Moreover, it has vitally affected the character of both the Reform and Orthodox movements in America. In both ideology and practice they have moved closer, in the last generation, to the central position held by Conservatism. The potency of Conservative Judaism, therefore, is to be measured not only in terms of its own numbers but in terms of the fact that it has altered the character of its two sister movements.

Were outward appearances the only criteria, one would have to assert that Conservative Judaism is in a particularly healthy state. But its very success may, in itself, be a cause for failure. The Americanization of Orthodoxy and the traditionalizing of Reform mean that both of them offer a greater competition to Conservative Judaism than they did in the past, since they provide something of the same values and approach that characterized the Conservative movement under other titles and names. Meanwhile, the very growth of the Conservative movement which, in large part, was a development of the post-Second World War era, when it grew like Topsy without direction or organization, is, in itself, a source of problems. Facile growth has meant that, for the better part of a generation, there has been no need to rethink the Conservative position and to point new directions, despite the fact that the very strength of the movement was that it could, and did, respond to changing times and circum-

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stances. As a result, something of the internal dynamism which characterized it in the past has diminished.

To flesh out those general observations and properly to understand the present status and the future course of the Conservative movement, it is necessary to re-examine the forces which led to its growth and the premises upon which it based itself, and then to assess their significance in the light of the current situation.

The principle of "Historical Judaism" which meant that both Judaism and the Jewish people have a history and have undergone change is the major ideological underpinning of Conservative Judaism. From the studies of *Jüdische Wissenschaft*, Conservative, Reform and neo-Orthodox Judaism all drew different conclusions. None of them, not even neo-Orthodoxy, could avoid doing so. The Conservative movement accepted four major propositions. The first was that Judaism had changed over the course of time, as it encountered new circumstances. The second was that the Jewish people was the carrier of Judaism and that the proponents of Jewish religion had to take into account the needs and outlook of the Jewish people. Solomon Schechter gave this proposition about the importance of *Klal Yisrael* the titillating title of "catholic Israel."

The third was that the halakhah is the characteristic form in which Judaism has expressed itself through the centuries, and that the halakhah has been, and should continue to be, a dynamic system, capable of change and adaptation, according to rules of its own, as it confronts new situations. The fourth is that Jewish survival and unity has depended upon the voluntary acceptance by successive generations of Jews, widely scattered though they were, and are, of the principle of the "portable fatherland." In essence, this means that Jews have voluntarily agreed to be bound by the same system of religious laws and behavior, and this very voluntarism makes it necessary that there must be a point at which the halakhah confronts and meets their changing needs.

Judaism is so much the outgrowth of a book that it is not surprising that modern Judaism was the product of scholarly research and that the first action of an incipient Conservative movement in America was to establish the Jewish Theological Seminary. The Seminary, now ninety years old, ultimately assumed two significant roles: it created rabbis who shared the outlook about Historical Judaism, catholic Israel and halakhah which the Seminary propounded, and it left it to them to create communities where that outlook would be implemented. Parenthetically, it may be noted that the same approach is being successfully employed today throughout South America, by the Seminario in Argentina, which is our outgrowth of the Conservative movement. Secondly, the Seminary continued, through the scholarly work of its teachers and graduates, to advance the historical study of the Jewish tradition and the Jewish people and, thus, to validate over and over again the propositions on which Conservative Judaism was built.

The institution itself, however, did not undertake a final and necessary step. It did not officially undertake to change or to modify Jewish law to achieve a harmony with the changing needs of the Jewish people. The responsibility for this significant step was ultimately vested in the Rabbinical Assembly, which was an outgrowth of the Seminary.

Through its Law Committee and its rulings, and through experimentation in synagogues, the Rabbinical Assembly gradually evolved a body of law and practice with a distinctive style and approach. While there was much hesitation for many years to take vigorous steps, the Law Committee finally did undertake decisive action on some problems related to the Sabbath, women's role in the synagogue, the *agunah* and divorce, as well as *yom tov sheni* and a host of other questions. The significant element was not so much the decision as the mustering of the moral resolution to assert authority in matters relating to Jewish law. Once authority is asserted, all the rest is interpretation.

The result of these developments is that, at the end of 90 years, Conservative Judaism in the United States has the full range of institutions—including seminaries, rabbinical and lay organizations, synagogues, youth movements and camps—to establish and carry through a movement. It has enunciated and, in essence, acted upon, an ideology whose two main planks have been that Judaism has a history and that Jewish law has the inherent dynamism to confront new situations. It has raised up rabbis and scholars from its own ranks and several generations of laymen who have titled themselves Conservative Jews. Nonetheless, there is a mood of grimness in the Conservative movement today, as there is in all of Jewish life, instead of the sense of euphoria which prevailed during most of the past thirty years.

The grimness is due to several widespread sociological phenomena which must have a major effect upon the viability of synagogues and, thus, upon the Conservative movement as a whole. The high rate of intermarriage and the low birth rate portend a decline in the number of Jews. These factors, combined with the great mobility of the Jewish population, have already contributed to the almost overnight decline of schools, congregations and other institutions. Moreover, it is quite clear, after a generation of effort since the Second World War, that the results of Jewish education have been at best uneven and in many ways unsatisfactory. Meanwhile, monetary problems are overtaking Jewish institutions, and political and economic problems, both external and internal, are besetting the State of Israel.

In sum, while Jewish life looks outwardly healthy and certainly is in far better case than it was thirty years ago, there is an uneasy feeling that the future is not bright. Elan and euphoria are being replaced by a feeling of quiet desperation.

These developments, plus the competition offered by the other denominations, provide the background against which the Conservative

movement must reexamine its practices and direction after a generation of unprecedented growth and expansion. Since automatic growth is no longer assured, Conservative Judaism must plan its future and, therefore, concern itself with three elements—ideology, life style, and organization.

So far as ideology is concerned, it is clear that the twin underpinnings of the Conservative movement are firmly established. The doctrine of Historical Judaism has been proved over and over again. Adducing further evidence is a pleasant exercise and may be important scholarship, but it no longer really has much bearing upon the creation or maintenance of the movement. This has significant meaning for the Seminary. In the past, the Seminary could assert with justice that it was “the fountainhead” of the Conservative movement because it had a major hold upon American Jewish scholarship and was engaged in the elaboration and promulgation of the idea of Historical Judaism. Today, it does not enjoy the same monopoly nor does the thesis require further proof and, in consequence, the Seminary is now an adornment rather than the fountainhead.

From an ideological standpoint, the problem is now the interpretation and application of the accepted ideas and here the Seminary has not led the way. From a practical point of view, Conservative Judaism is really being tested and having to meet new situations in the congregations and the communities. In these circumstances, it is the United Synagogue and the Rabbinical Assembly who are called upon to think, to respond, to act and to proclaim. The tradition of the centrality of the Seminary and deference to it has prevented this change from being acknowledged, but a reorganization of relationships is now necessary if Conservative Judaism is to remain a vital force across the breadth of the continent.

The second major premise, changing and changeable law, has also been validated richly. There is, indeed, some argument in Conservative ranks about some issues of law and about the pace of change, but the decisive steps have been taken already and innocence once lost is not recovered. The main outlines of the Conservative approach to Jewish law are clear. Now the details of what is, in effect, a Conservative *Shulhan Arukh* remain to be worked out. Indeed, the process is well on the way already in preliminary publications of the Law Committee and in the work of individuals.

Nonetheless, there are two aspects of a Conservative approach to Jewish law which need to be elaborated and established. One is that halakhah must be weighed in the scale of ethics, with due recognition that ethical standards have changed over the course of time. This is a point which has been increasingly implicit in the Conservative approach to Jewish law, but it needs both to be elaborated and popularized as part of the Conservative philosophy. The central issue for those who are concerned with halakhah increasingly must be not whether a law is ancient or modern but whether it is ethical or unethical.

The second great need in regard to Jewish law is to develop a theory and method of creating, promulgating and establishing new laws. The radical changes in Jewish life and in technology and science and human accomplishments make the restoration of the creative process in Jewish law mandatory, not merely as a means of effecting change but as a way of structuring and directing life. Bat Mitzvah is one successful instance of creating a new practice within a legal framework. But the need for redefining the role of Jewish women, of creating ceremonials and liturgy to commemorate the Holocaust and Israel Independence Day, and of assessing the whole area of bio-medicine are just a few examples where new laws must be created or old ones extrapolated.

In addition to the updating of the two traditional major premises, Conservative Judaism has to develop new ideological views in order to respond to recent developments in Jewish life. Statements are now necessary on the questions of authenticity, pluralism and the meaning of Jewish Peoplehood in the age when Israel is a sovereign State. Precisely because Judaism is the religion and culture of the Jewish people, rather than an abstract set of principles, sociological developments must be reorganized and faced by a vibrant Jewish religious group.

The issue of authenticity is central. At the heart of the Conservative approach is the notion that it is the legitimate heir of the Jewish ages and that Conservative Judaism, in its generation, is performing the role that Pharisaic Judaism did in its time. This thesis, heretofore neither fully elaborated nor actually challenged, is now being violently disputed by Orthodoxy. Such a development would have little meaning were it not buttressed by a political campaign, involving both the Israeli and the American Orthodox rabbinate, to deny validity to religious actions of Conservative and Reform groups even when they meet the standards of the traditional halakhah. Since, on questions of marriage, divorce and conversion, people's lives are affected, and since the Israeli rabbinate enjoys official authority, a great deal of mischief can be created by this dubious politics.

In the light of these circumstances, Conservative Judaism has to formulate and fight through its view of what constitutes authenticity in religious life. Inevitably, this must involve the elaboration of the theory of pluralism in Judaism and a fight to have that theory accepted in Israel just as it is in the largest community in the world in the United States. In the long run, Conservative Judaism, while convinced of its own authenticity, must urge that all elements in Jewish life must be content to let history make the ultimate decision in the future.

Just as the problems of authenticity and pluralism have been affected by the creation of Israel, so has the question of what is the role and definition of Judaism as religion and people in an age when there is Jewish sovereignty. Jewish life has not forced that question for 2,000 years and it is one which Conservative Judaism, with its emphasis upon catholic Israel,

cannot possibly avoid. Conservative ideology, which originally embraced and endorsed Zionism, must now formulate a position about the responsibilities of Jews to Israel, about the meaning and responsibilities of sovereignty in relation to Jews and other people. Jewish law must begin to wrestle with social and moral questions which are involved in the exercise of sovereignty and which constitute a part of a Jewish religious outlook. Since religion and people cannot be separated, the whole ideology of Diaspora existence and its religious meaning must now be formulated. Today, Judaism must deal with space as well as with time, both because of the existence of Israel and because Jews enjoy citizenship in other nations. These problems of religious ideology must be on the agenda of Conservative thought.

Still another area with which Conservative Judaism must cope in the days ahead is that of a proper life style. It was wise enough in the past to recognize that religion is more a question of human beings and their living experiences than of concepts, ideas or systems. Living faiths are constantly freshly experienced by real men. It was its sensitivity to these facts that made Conservative Judaism successful. However, if it is to continue to be successful, it must confront two fundamental challenges. It must, firstly, seek to create an authentic Conservative Jewish layman. It has been quite successful in creating a Jewish professional elite who have an identifiable Conservative style, but it has not had much success with the laity. Secondly, it must recognize that the intellectual and emotional scene are changing radically, that an openness to emotion and a willingness to rethink educational content and goals are becoming part of American Jewish life style. Sensitivity and response to these developments are the price of future vitality.

None of these goals can be achieved without new thinking about the organization of the Conservative movement. The place where it functions and where ideology, no matter how cogent, is translated into reality and action is in its institutions. For the past thirty years, the autonomous synagogue, loosely related to the national organization, has been the norm. During that time, synagogues were being founded in great numbers, going through the pangs of growth and seeking to establish their identities. They took over the task of education, provided schools and created new patterns. In a period of easy growth, they had relatively little need for the services of national organizations, save as purveyors of some general guidance. They determined their status and their patterns largely through the directions of Conservative rabbis and through a process of osmosis, that is, absorbing information from their neighbors. They had a clear notion of what they were doing and seeking, and that was to establish an American form of Judaism which was both respectful of the tradition and attentive to modernity in the new neighborhoods or suburbs in which they were settling.

All that has changed. Synagogues which were growing yesterday are

declining today. Changing neighborhoods and a diminishing birthrate have made it clear that very few institutions last more than a generation or two in American Jewish life. The result is that the organized bodies of Conservative Judaism, and the United Synagogue most of all, are called upon to perform tasks with which, hitherto, they have only toyed.

If old congregations are to be maintained, they will often need financial help from a regional or national body. Schools with decreasing populations will have to be merged—but they ought to be merged by Conservative bodies rather than by federations of charities, because the health of the synagogue is closely related to its control of the schools. If it is to deal adequately with a mobile population, the Conservative movement must establish and fund new synagogues where needed, rather than waiting for local groups to organize them, and it must develop the concept of national, floating membership in the movement.

New patterns of education, an expansion of camping facilities for school and adult use, the manpower to staff them, part-time and traveling personnel for small synagogues, all require regional or national intervention. The key discovery is that the local synagogue, no matter how well-off, cannot, by itself, create and maintain the instruments or the personnel which are necessary today. The national and regional organizations must expand to meet the tasks.

Unfortunately, the Conservative movement is tremendously underfunded. In the past thirty years, in line with its general emphasis upon catholic Israel, it has ignored its own needs in order to give its support to the State of Israel and to other community needs. It has accepted the dubious thesis that there is a broader secular community which should be supported by the synagogue, but that the synagogue should support itself. In consequence, the Conservative movement and Conservative Jews today are quite unprepared, psychologically and practically, to deal with the entire problem. Nonetheless, organizational centralization is the path that Conservative Judaism must travel in this new era if it is to be adequate to the times and the tasks.

Such a capacity for change and adaptability is precisely what has characterized the movement in the ninety years of its existence. It combined pragmatism with idealism, and ideological concern with awareness of the life styles of Jewry. It saw itself as a cause whose purpose was to maintain Judaism as a force in the life of its coreligionists and to restore the alienated to deeper commitment. It prospered, as a result, and set its seal upon modern Jewish life. The same willingness to change and to innovate in ideological, legal and organizational realms is necessary today if Conservative Judaism is to maintain its hold upon American Jewish life. And yet, there is one more element which is necessary and it is one which characterized Conservative Judaism in its earlier days. A successful and vital religious movement must have a pinch of missionary zeal and a conviction that it battles for the Lord.

In Defense of Conservative Judaism

WOLFE KELMAN

THE MOST SPECTACULAR AND VISIBLE achievement of the Conservative Movement has been, and continues to be, the undiminished dynamism and growth in the number and quality of Jews in the Western Hemisphere, Europe and Israel who identify with, or adapt to, its structure and ideology.

The first Seminary, established in 1886, was primarily a reaction to the emergence of American Reform. After 1902, with the arrival of Schechter and his faculty colleagues, it was not long before the Seminary and the Conservative movement emerged as a haven for scholars and laity seeking an alternative to the rigid fundamentalism of European and American Orthodoxy. The former needed a school with deep roots in classical Jewish learning yet open to critical historical scholarship, while the laity wanted a synagogal environment which preserved the traditional form but was open to innovation.

The preamble to the By-laws of the United Synagogue, adopted in 1913, phrased this fragile formula:

It shall be the aim of the United Synagogue of America, while not endorsing the innovations introduced by any of its constituent bodies, to embrace all elements essentially loyal to traditional Judaism and in sympathy with the purposes outlined above.

It is not surprising that it took almost three years of debate before Schechter and his fellow-founders of the United Synagogue were able to agree on this ambiguous, elastic paraphrase of the institutionalized paradoxes, reconciling the disparate groups and ideologies which were represented in the fledgling group then associated with the Conservative movement.¹

It is often forgotten, and hardly credible for the contemporary observer, that the Union of Orthodox Jewish Congregations (as well as the Young Israel movement) and the Conservative United Synagogue of America were founded by faculty and rabbinic leaders associated with the Seminary and that, at the dawn of this century, some of them held office in both organizations.

Especially in its early days, there were continuing confrontations between those who viewed the Conservative movement as a bastion of

1. Herbert Rosenblum, *The Founding of the United Synagogue of America, 1913-* , unpublished doctoral dissertation, 1970.

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decorous and enlightened Orthodoxy, stemming the tide of classic Reform Judaism that was threatening to engulf American Judaism, and those who perceived it as a legitimate alternative to a particular, exclusive version of normative Judaism. The triumphal ascendancy of the militant separatists within the Orthodox camp has driven this unresolved tension into a more subterranean existence.

The formal declaration of Orthodox separatism, both as a theological and political factor, occurred in 1954 when eleven *Roshei Yeshivah* signed an *issur* (ban) against cooperation with Reform and Conservative rabbis. What is often overlooked is that this *issur* was aimed at Rabbi Joseph B. Soloveitchik (who did *not* sign the *issur*) and his disciples as much as at their Reform and Conservative colleagues; perhaps he was even their primary target. During that period, intensive negotiations were underway between representatives of the Conservative Joint Law Conference (of the Seminary and the Rabbinical Assembly) and of the liberal Orthodox of the Soloveitchik school (which was prepared to countenance limited areas of cooperation with the non-Orthodox) about the possibility of a joint *Bet Din* to handle the *agunah* problem. Concurrently and not unrelated, private discussions were being held between sympathetic representatives of the American Conservative movement and the liberal wing of the Israeli Mizrahi political party about public cooperation and joint projects.

The precipitous capitulation of the "liberal" Orthodox, in Israel and America, to the mood and intent of the *issur* effectively severed the surviving links which had made it plausible for Conservative leaders and constituents to consider themselves legitimate heirs or allies of Orthodoxy.

One can sympathize and understand the unwillingness of the dwindling minority of Conservative spokesmen, with a strong, psychic and theological vested interest in Orthodoxy, who find it difficult to recognize the reality of their divorce. One is harder put to fathom the unwillingness of reputable social scientists like Marshall Sklare and his less talented mimics² who keep repeating the stale clichés about the demoralization of the Conservative movement because the Orthodox have not completely disappeared and have even shown scattered symptoms of strength and revival.

Even if the Conservative movement did not have its own ample native, home-grown intellectual and theological cadre to stimulate its continuing vitality and growth, it can, it appears, always depend on the intransigence of the Orthodox to supply it with a continuing constituency of often reluctant recruits.

Every movement with a significant and not necessarily homogenous constituency develops inherent, dynamic tensions as well as explicit symbolic issues which become both its hallmark and its albatross. Until 1968,

2. Lawrence J. Kaplan, "The Dilemma of Conservative Judaism," *Commentary*, November, 1976.

when the Rabbinical Assembly Committee on Jewish Law and Standards finally and unanimously legitimized *hafkat kiddushin* and adopted the procedure of annulment when a *get* was unobtainable, the symbolic issue was the *agunah*. The reluctance or inability of halakhic "authorities" to resolve the agony of the *agunah*, the woman whose husband is alive and available but stubbornly refuses to grant her a *get*, was a poignant embarrassment to those in the Conservative movement who had argued that halakhah, through its own methodology, can resolve issues as they arise and is not frozen or insensitive.

The response and *responsa* of the Rabbinical Assembly Committee on Jewish Law and Standards to a wide range of issues, from the use of electricity on the Sabbath and the *kashrut* of cheeses, to the status of women and the growing, if grudging, respect accorded to these resolutions of vexing problems by reconciling Jewish law with modernity and technology, are convincing evidence of the emergence of a Conservative ideology which recognizes that Jewish identity and vitality are open to the claims of aggadah, morality, and the aesthetic, in polar tension with the classic norms of the codified halakhah.

The perception of this openness, rooted in classic erudition, continues to attract a constituency of the growing number of Jews throughout the world who seek a return to Jewish roots and a life-style which does not demand that they surrender their conviction that the quest for the transcendent can be reconciled with respect for the glories and agonies of full participation in contemporary culture.

When all is said and done, the difference between those who, without diffidence or embarrassment, identify themselves as Conservative and those who differ with us, in the camp of the Fundamentalists, is not who has mastered or memorized more *blatt gemora* (folio pages of the Talmud) or even who observes a larger number of the 613 commandments or with what *kavanot* (intentions).

With concordances and computers, anyone really interested need no longer depend on specialists with stupendous memories to find the traditional sources to guide the contemporary perplexed. With the current popularity of public piety and the emergence of a new class of Orthodox *chic*, it is often difficult to tell who is who, between, for example, young Orthodox professionals with a Yeshivah background and their Conservative counterparts with years of Ramah experience.

One distinction is whether they accept the principle of the legitimacy of religious pluralism, in Israel and in the Diaspora, a posture which Solomon Schechter found congenial to his own temperament and to the climate in America which was still hospitable to the variety of religious experiences.

Solomon Schechter bequeathed to the growth and vitality of the Conservative movement his indelible personality and a unique ideological tapestry woven from his own heritage of Hasidic passion, meticulous

German *Wissenschaft* and Anglican reverence for both tradition and diversity. It was no accident that Schechter could, and did, refer to his Reform colleagues as His Majesty's Loyal Opposition and did not think of them as secessionist sectarians or exclude them from *Klal Yisrael*.

It was appropriate that Schechter's heirs would incorporate the following clause in the Standards for Synagogue Practice of the United Synagogue:

Where two or more congregations exist in one community, their relationship should be cooperative and not competitive. Each congregation should regard every other congregation, whether Conservative, Orthodox or Reform, as equally sacred. The differences in doctrine or observance which may exist between congregations should not diminish the respect due to a congregation dedicated to the service of God.

Within the leadership of the Conservative movement, there remains the debate whether we should join ranks with our Reform colleagues, especially in Israel and other communities where the Orthodox have established a religious monopoly and deny legitimacy to the non-Orthodox. The Rabbinical Assembly has been guided by a resolution, adopted in 1964 after a vigorous debate on the issue, affirming the authority to cooperate with any group that shares our commitment to the legitimacy of religious pluralism.

Schechter remains the enduring hero and role model for the Conservative movement. It is not surprising that many still refer to Schechter's Seminary and that the Conservative Day School movement is called by his name.

Lest Conservative Jews of Lithuanian ancestry and orientation wonder whether they have spiritual roots in the movement which they almost dominated for decades, I hasten to remind them of the legacy of the *Hafez Hayyim* (Rabbi Israel Meir Kagan, 1838–1933), who was revered and cherished as a living Torah during his lifetime. He put equal stress on morality (in his widely disseminated *Hafez Hayyim* [Vilna, 1873]), detailing the laws against gossip, slander and tale-bearing and on the scrupulous observance of Jewish ritual law (in his monumental and authoritative *Mishnah Brurah*, still used as a manual by countless thousands).

The Conservative movement has attempted to bridge and harness the tensions between halakhah and agadah, perhaps not in the manner that the *Hafez Hayyim* would have endorsed, but, it is hoped, in the spirit which he inspired. I am impressed that it was his personal endorsement which shielded Sara Schenirer, the founder of the Beth Jacob Schools in Poland, from the attacks of the rabbis who were utterly opposed to the revolutionary idea of providing Torah education to girls.

The *Hafez Hayyim* warned his readers that it was as much a sin to slander and defame oneself as it was to slander another person. Perhaps this is one of the problems which the Conservative movement must

confront in the years ahead: to accept its own normative legitimacy within the pluralism of the Jewish community as well as in its relation with other faith communities. This requires the confidence to transcend those within and without who slander and distort a movement which has been the dominant influence in shaping the theological, intellectual and communal vitality of our community.

Achievements, Problems and Solutions

BENJAMIN Z. KREITMAN

IN ORDER TO ADDRESS MYSELF IN PART TO THE theme of this symposium, Conservative Judaism—Its Achievements and Problems, I must resort to an outline summary under the rubrics of achievements, problems and guides to the resolution of the problems.

Achievements

1. Conservative Judaism affirmed the centrality of Jewish peoplehood as part and parcel of Jewish faith and tradition. It was the only modern religious movement that, from its inception, was totally committed to the ideal of Zion redeemed. Solomon Schechter summed it up in these words: "Zionism marked the greatest stride forward in modern times to the regeneration of the Jewish people and of Judaism."

2. Conservative Judaism affirmed the centrality of halakhah, and it rejected attempts to relegate it to a subsidiary position in the Jewish constellation of values.

3. Conservative Judaism recognized in Rabbinic Judaism the inherent dynamics which could help those vested with the responsibility of interpreting Jewish law to bring about needed modifications and adaptations so that the halakhah could be operative in a modern society. This is one of the reasons why Conservatism became closely allied with *Hokhmah Yisrael*—The Science of Judaism.

4. Emerging from the Positive Historical School, Conservative Judaism recognized that the historical, developmental approach is a legitimate part of religious Judaism.

5. Conservative Judaism devised the institutions and the organizational structure to meet the needs of the American Jewish community, on

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both the local and the collective level, e.g., the Synagogue Center, the Day School, Ramah Camps, the Jewish Theological Seminary, the United Synagogue of America and the like.

6. Rituals, liturgical materials and programs were formulated to reflect the theological posture of Conservative Judaism, e.g., the Bat Mizvah, the revised Prayerbook, the *Kallah* and others. By relating ritual to life, the movement was saved from becoming narrow and trivial.

Problems

1. The developmental or historical approach inherent in Conservative Judaism has made it vulnerable to the attack of relativism and inauthenticity. The relationship between revelation and an ongoing developing tradition has not been reconciled and has been the source of a continuing conflict. Furthermore, in an age when the absolute is equated with authenticity, Conservative Judaism, espousing the historical approach, finds itself constantly on the defensive.

2. The changes or innovations that have been introduced in our halakhic behavior are looked upon, both from within and from without, as compromises. The movement is denigrated by many as a form of "Judaism made easy."

3. In the popular mind, Conservative Judaism is placed in the middle of the religious spectrum. The movements on its right and on its left are seen as displacing it by accepting some modern approaches or by coming closer to tradition.

4. Conservative Judaism, embracing within itself so many diverse elements, is prevented from articulating its identity.

Guides to the Resolution of these Problems

1. A guideline for the resolution of the conflict between revelation and tradition, or the absolute and the historical, can be abstracted by the various approaches to revelation that are found in Rabbinic Judaism. From its perspective, revelation and the subsequent developing tradition, the absolute and the historical, are two dimensions of one whole and unbroken reality. Under the aspect of the Eternal, Sinai and the developing tradition are both a part of a totality; from the perspective of the human, Sinai is the divine starting point whence there emerged a constant and ongoing and, it is hoped, ascending traditional development. The Talmudic Fathers note, therefore, that every minor argument of a scholar in the academy has already been revealed at Mount Sinai. In an aggadic way, they project this same thought by saying that Moses came to study the Law, in its interpretations, from the Sage, Rabbi Akiba. Conservative scholarship needs to use the insights from the "Science of Judaism" for its theological formulations.

2. We must admit that changes, modifications and adaptations in the halakhah, without a deepened religious commitment, will be considered as compromises. A recent article by a popular Israeli journalist, Moshe Shamir, criticized Conservative Judaism for being *Yahadut ke-tov benehem*—"Judaism as you like it." There have been many movements in Judaism, from the earliest days of the Talmud through Hasidism, that have made significant and even revolutionary changes in the halakhah, but these were accompanied by a total commitment. Conservative Judaism must, therefore, turn all of its efforts and bring to bear all of its resources in eliciting a greater commitment on the part of all of its adherents. The leadership must set the example by insisting, for itself, on a high standard of religious and moral behavior.

3. An endemic timidity must be removed by a greater understanding of the place of Conservative Judaism among the movements that have sustained Judaism. This timidity will be dispelled by a greater understanding, on the part of the laity, of the Bible, the history of the halakhah and the history of the other movements to which Conservative Judaism reacted.

4. Diversity can be a source of strength only if there is a central definition pointing to the parameters and the limits of this diversity. These parameters are not to be placed just on the left, but must also be placed on the right.

It is our hope that, by the resolution of the problems faced by Conservative Judaism, it will become, in the near future, what Solomon Schechter envisioned for it in his day—the mainstream of Jewish life.

Needed—A Definition

ARTHUR J. LEVINE

MY APPROACH TO THIS PAPER IS LESS THAT of the competent scholar and more that of the observer of the synagogue scene in the greater metropolitan area, recognizing that the clubby atmosphere of the pre-World War II synagogue in the small communities throughout the land was largely non-existent in the major metropolitan centers.

Although Schechter created the United Synagogue of America al-

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most 65 years ago as the congregational arm of Conservative Judaism, its impact on the American Jewish scene prior to World War II was minimal. The same thing could be said, of course, of the entire synagogue community in that time.

After World War II, as a result of the combined impact of the Holocaust, the creation of the State of Israel, and their acceptance by the American majority, the current generations of American Jews, unlike their fathers, sought the synagogue as the symbol of identity. Essentially untutored in Judaism, these generations needed a philosophy that would enable them to reflect what they perceived to be their role in society—as part of a major American religious group—and yet to identify with the tradition, not of their fathers, but of their grandfathers.

Rigidity of practice, whether involving absolute acceptance (Orthodoxy) or absolute rejection (Reform) was contrary to the needs of this post-World War II generation, and the inherent flexibility of Conservative Judaism struck a responsive chord. The simple fact of the family sitting together during synagogue services and, at the same time, maintaining tradition by covering the head and with the males wearing a *talit* was a major factor in the return to the synagogue by the American Jewish majority. Couple this with an institution that did not try to intrude on personal behavior and that was willing to act as a surrogate in matters of ritual observance, and the result was ideal. Here was the very great achievement of Conservative Judaism. It provided the means for a return to the synagogue and restoring that venerable institution to the center of Jewish life.

At the end of World War II, there were less than 200 congregations affiliated with the United Synagogue of America. Today, there are over 800, including almost 25% of the total North American Jewish community, of whom half identify with Conservative Judaism even though they are not affiliated.

Conservative Judaism demonstrated that it was not necessary to reject the past in order to live in a contemporary society, nor that it was necessary to be separated from the total community. By not imposing demands, and by permitting complete flexibility in interpretation (the rabbi as *mara d'atra*), it enabled large numbers of our people to achieve identification with Judaism as a religious belief, reversing the pattern of previous generations in America.

The approach of Conservative Judaism was perfect for the times. Judaism as a religious philosophy was a new experience for the many whose knowledge was derived more from sentimentalized nostalgia than from formal learning.

The wisdom of Schechter in avoiding definitions, but at the same time stressing the centrality of Torah, *Shabbat*, *Kashrut* and Israel, encouraged the growth of the synagogue, with the parallel activities of education and youth, to a level equal to that of almost any preceding age. We have

become normative Judaism in America, and only the biased will deny the impact of Conservative philosophy on both the Orthodox and Reform movements.

One basic difference between a fad and a philosophy is, of course, time, and from here on we discuss not achievements but problems. As I see it, a continuation of the very concepts that, in the past, resulted in great forward strides, may prove counter-productive in the future. There is danger that Conservative Judaism, unless it, too, continues to evolve, will become a one-generation ideology. Stasis is replacing flexibility, and a philosophy that was founded on the concept of change as society changes is becoming resistant to change, witness the furor over the rule of women. Conservative Judaism met the needs of generations who saw American middle class values as the ultimate in achievement. The period of the 1960s, however, was marked by a new generation with a different view. Those young people were not so much antagonistic to Judaism as they were apathetic. The social changes in America produced a greater stimulus than what was perceived to be a middle class ideology, and the thrust for Jewish identity, which had been so important to the preceding generations, was of little concern.

The social ferment of the 60s, with its stress on the rising aspirations of the disadvantaged, attracted our young people who were responding, in large measure, to a knowledge of prophetic Judaism obtained in Conservative schools, yet who perceived the Conservative synagogue as a bastion of the middle class and source of all social evils. The pressures of society far exceeded the combined force of the home and religious school. The net result was that the leavening process of new generations did not occur and synagogue members, now averaging fifty years of age, became largely resistant to change as being a rejection of their values. It is true that there were several leaders of the movement, rabbinic and non-rabbinic, who pointed out the dangers inherent in the trend towards conservatism (with a small c). But they were few and the concept of the autonomous synagogue, so effective in the past, precluded action by the movement.

Society is, obviously, in a constant state of change and again the social forces of America reacted on the current generations with its dominant theme of ethnic identity. Although this had its focus in both Jewish and non-Jewish areas (Soviet Jewry, Israel, the Black Community), the fallout on our young people has been considerable. The most important consequence is that they equate ethnicity with religiosity, with spiritual values. But, at the same time, the synagogue is not seen as the means for achieving spiritual renewal or fulfilling spiritual needs. It is not the Conservative synagogue alone that is so considered, but all synagogues. That does not, however, lessen the acuteness of the problem or mitigate the danger to us.

Though there were valid reasons for Schechter's avoiding definitions in his day, it is doubtful whether such an approach can meet the needs of a contemporary society that is demanding precise statements, a disciplined

response, indeed, even an imposed discipline. In contemporary society the major thrust is, simultaneously, self-awareness and a need for structure—a need for a defined sense of purpose, and a clearly delineated role for the individual.

Now we must bring to our people, young and old, a sense of identification with our synagogue and the movement. It is not enough to call for commitment. Our pulpits have always resounded with it. But commitment to what? We make commitments only to what we perceive and feel, and our philosophy has been too ill-defined to create such a feeling-tone in the individual adherent. We must see ourselves in more precise terms, and define the minimal obligations for those who will join with us. General guide lines and suggestions may have been effective in the past (a point that may be subject to dispute), but they certainly are not today. It does not necessarily follow that we should create a rigidified structure, or a hierarchical form in the movement. The inherent flexibility of Conservative Judaism is still the magnet that attracts, but too much flexibility creates distortion. Within the concept of flexibility, it is certainly appropriate to create parameters beyond which Conservative Judaism ceases to be. Is it flexibility or distortion, for example, when a segment of the movement accepts the fact of a *meḥizah*, while another calls women to the Torah?

To past generations who were either refugees from Orthodoxy or came from totally secularist backgrounds, these matters were of little import, but to current generations, products of our congregations and of our schools, who are not escaping from the past, such matters, and more, are critical.

It will not be an easy task. We must start meeting the needs of different generations simultaneously, with the attendant tensions and problems. The concept of the autonomous synagogue is, I believe, an anachronism, and a new relationship has to be created.

It is the premise of Mordecai Kaplan that Judaism, as an existential, living reality, has had to adjust to marked change in the situation of the Jewish people. The most significant change in our situation today is our lack of identity. Before we can react, therefore, we must first achieve that identity. When we do, we will truly have created a philosophy that will endure.

Promise, Performance and Problems

JACOB STEIN

CONSERVATIVE JUDAISM IS AN IDEA which first found institutional expression in 1886 with the formation of the Jewish Theological Seminary and came to full flowering as a movement in the post-World War II years when there was an explosive growth of synagogues. In 1940, when Dr. Louis Finkelstein became President of the Seminary, that institution became part of the consciousness of American Jews as the result of an extensive public relations program, combined with a network of fund raising events. Simultaneously, the massive migration of a growingly affluent Jewish community from urban centers to the suburbs brought about an unprecedented rise in the number of synagogues and their identification with the institutions of Conservative Judaism. Prior to that time the impact of Conservative Judaism had been primarily felt in theological and academic circles.

The pattern of personal behavior of the main stream of the American Jewish community during these last thirty years fits nicely within the wide borders of Conservative Judaism. Our new synagogue buildings, modern in accoutrements and in architecture, call for identification with the "New" religion. Conservative Judaism and the Conservative synagogues' afternoon religious school schedule was compatible with the timetable and calendar of the public schools.

Commuters living in the bedroom communities found the late Friday night service timed to their needs and the message from the synagogue pulpit was not so sharply critical of personal behavior as to arouse guilt feelings. There was, and is, a general lack of concern for Jewish law but a nostalgic and emotional concern with symbols and customs.

The active social life of the Sisterhoods and the Men's Clubs, the bowling teams and the bazaars helped to establish new and needed social relationships to replace the friends and acquaintances of the city experience. Conservative Jews felt a sense of righteousness in calling for the closing of temple parking lots, if not for the Sabbath, at least for the High Holidays. They insisted upon institutional *kashrut* and violently protested against encroachment of the Sabbath by the public school system or the scheduling of a community function on any of the Holy Days.

Probably the most important factor in the growth of Conservative Judaism was the role of the synagogue in meeting the needs of our youth—educational, spiritual and social. It developed an educational system comprising an elementary afternoon school of between five and

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six hours a week and a day school movement. The Solomon Schechter Day Schools, because of their standard of educational excellence, saw rapid growth during the 1960s, which was accelerated by the growing tensions and a general deterioration of standards within the public school system. Programs in adult education were expanded and promoted, with beautiful brochures, listed courses, described curricula and named faculty.

Parents were able to exert pressure on their children to attend the three-day religious school, for the synagogue insisted that unless a minimum of five years of study were completed, there could not be a Bar- or Bat-Mitzvah service in it. As a further requirement, some synagogues established a standard of required attendance on Saturday.

New temple buildings offered the religious and the catering facilities to celebrate weddings and anniversaries, Bar- and Bat-Mitzvahs in a manner and in a style reflecting the newly-found affluence and status of the community. Members enjoy the Sunday morning bagel and lox sessions, designated in different places by a variety of names, where they have the feeling that they are continuing their Jewish education. For those with parents living in the community, Senior Citizen groups, also known as Golden Age Clubs, provide forums of social and cultural activities within the synagogue.

Important to the growth of the Conservative movement in the post-World War II years were the women. Uprooted as they were from cities into the loneliness of the suburbs, they found new friends and outlets. Sisterhoods grew rapidly in size and, in many congregations, they became an important source of fund raising. They assumed responsibility for a host of social activities which kept the synagogue community in contact during the twelve-month period between the High Holidays. Theater parties, rummage sales, bazaars and raffles were a positive way of showing, through financial contributions and the commitment of time and energy, support for the synagogue as the center of Jewish life.

During the last ten years, the role of women in the religious practices of the synagogue has been expanded to a level of near equality with men. It has been agreed by many congregations that women be called to the Torah for an *aliyah* and be counted as members of a *minyan*, though in others we find residual discrimination against distaff involvement in ritual.

This expanded role for women came out of a rather significant achievement in the Conservative movement which took place during the late 1940s when it was decided by almost all congregations that the separate Sunday School for girls be abolished in favor of the three-day-a-week educational program for all children. This development saw a dramatic increase in the number of B'not-Mitzvah, with a resultant and growing awareness that women wanted to be, should be, and must be, considered equal with men in the ritual practices of the synagogue.

The promise of Conservative Judaism has been fulfilled. It has con-

served Judaism. When established in 1886, the choice was a highly assimilationist, Protestant-like Reform movement on the one hand, and, on the other, an Orthodoxy that mirrored the life of the East European *shtetl*. Were it not for Conservative Judaism and the ground-work laid by the Seminary in its training of rabbis, cantors and teachers, the synagogue community today would not occupy the central position that it holds in Jewish life.

Conservative Judaism rejected demands for a new *Shulhan Arukh*—a firm ideological statement—and, thus, was enabled to embrace within it synagogues varying widely in liturgical practices, with a membership whose personal practices range from full observance to total indifference. The Conservative synagogue set as a condition of membership only that one be Jewish and be able to satisfy the financial obligations of the particular institution.

But while we have established only criteria of faith and finances for membership, we have not yet determined criteria for the standards of service that the synagogue should offer to its members. Our educational goals are left undeveloped. Community practices in the fields of *kashrut* and funerals have received very little attention and, with some exceptions, the synagogue has failed to make an impact on the Federations in the community, permitting tension and discord to mar the relationship rather than creating harmony and an understanding of the role of each in Jewish life.

Much of the blame for these failures can properly be placed on the shoulders of the rabbis, but only if we are also prepared to accept the fact that even a strong rabbi, without dedicated and committed members to support aggressive action, is as impotent as the weakest of the clergy.

The Conservative synagogue is a rallying point for developing support for Israel. Conservative Judaism early recognized the role of Israel in our lives. The concept of “Historical Judaism” gave us grounds for understanding our relationship with the State of Israel as transcending the nationalist concept and rooted our commitment to Israel in our religious awareness. Our Zionism has its roots in the covenant which God made with Abraham, “And I will give to you and your children after you the land of Canaan for an everlasting possession.”

Conservative Judaism regards the State of Israel as the realization of the prophetic, poetic and religious expression of a Biblical Zion. Conservative rabbis strengthen that commitment to Israel through repeated calls for support. At times, some rabbis include in their appeals for support of Israel the request that some of the funds be directed toward meeting the needs of the American Jewish community.

In the field of social action, Conservative Jewish congregations have been the centers of animated discussions and active programs. During the mid-60s, they held ban-the-bomb meetings, took the lead in support of civil rights for the blacks, involved themselves in local school board fights

and, in the large majority, condemned our involvement in Vietnam. Today, there has been a marked shift away from humanism in universal terms and a deepening commitment to particular concerns.

Ritual patterns of Conservative Judaism, with the exception of the expanded role for women, have remained fairly constant during the last thirty years. By and large they are traditional, with great emphasis on ceremonials. The Friday night service has become a Bat-Mitzvah show case and, during the Saturday morning service, we have added many additional *aliyot* so that children can be named, anniversaries and trips marked, recoveries from illnesses celebrated and philanthropy acknowledged.

The Conservative ideology, because it is "centrist," has not been able to develop the enthusiasm and the commitment among those competent to be leaders that extreme positions could develop. And, because of a lack of a sufficiency and because of the level of quality of leadership, Conservative Judaism has not realized the fullness of its potential. Synagogue leadership has not developed the outreach into Jewish community agencies to impress them with its own special needs.

The promise to conserve and preserve has been kept, and the performance of our synagogues to date is highly commendable, especially in the light of the handicaps imposed by a rapidly changing environment, greatly increased mobility and a lack of religious vitality in the home.

The late Abraham Joshua Heschel condensed the problem when he said that,

Religion declined not because it was refuted but because it became irrelevant, dull, oppressive, insipid. When faith is replaced by creed, worship by discipline, love by habit; when the crisis of today is ignored because of the splendor of the past, when faith becomes an heirloom rather than a living fountain, when religion speaks only in the name of authority rather than with the voice of compassion, its message becomes meaningless.

Inherent in the above are all elements of Conservative Judaism—of its promise, of its performance and of its problems.

Conservative Judaism must now seriously address itself to the future. We must be concerned with the kind and quality of training that our spiritual leaders receive, so that they may be fully qualified to fulfill the spiritual needs of a changing Jewish community within a rapidly changing society.

We must deal with the rising cost of synagogue membership. Rabbis, cantors and teachers must receive a decent level of compensation, and the synagogue building must be equipped and maintained. Yet, a way must be found so that we do not deter any Jews in a community from approaching the synagogue for affiliation because of financial reasons. It does not serve to answer that "we make allowances for hardship cases." Few people are possessed of a sufficient depth of commitment to want to be so labelled.

The problem of zero population growth in society and of “negative population growth” in the Jewish community foreshadows long-range changes. It means an aging Jewish population, a smaller school population and a shrinking base of membership. It means that our synagogues will have to deal with the problem of increased leisure time and develop programs for its constructive use. It means that we will have to become involved intensively in the social, political and cultural life of our general community if we are to influence it.

We must deal with the alienation of our youth as it manifests itself in the extreme expression of intermarriage and we must deal realistically with the fact that intermarriage will probably increase. As it does, it will become more acceptable to parents and to the community and, as it becomes more acceptable or less objectionable, in-faith marriages may become the exception.

Our primary concern, thus, must be to retain the maximum number of persons with a Jewish identity within the Jewish fold. To that end, studies should be undertaken toward standardizing and simplifying conversion procedures and conversions should be actively encouraged.

The greatest of challenges to our spiritual leaders will be to return Judaism to the individual and make it an inseparable part of the personal baggage of every Jew. I believe that Judaism has survived all of the trials of history and of its global dispersion because Judaism is a personal religion, with every Jew competent within himself to feel fulfilled as a Jew. The relationship with God is a personal one and, wherever our ancestors walked, they walked with God.

Sadly, today we have institutionalized our Judaism. If we don't pray in the synagogue, we don't pray. If a function is not synagogue-related, it is probably not kosher. The excitement and warmth of the home Seder have given way to the institutional Seder and deprived parents and children of a moving experience.

Thirty centuries ago Solomon wrote, “Where there is no vision, the people perish” (Prov. 29:18). This is true now as it was then. The corollary of this statement is “Where there is vision, the people prosper.”

We must now make a conscious choice. We can remain frozen in our ways, unchanging in our patterns, unresponsive to our challenges, devoid of vision, fragile and weak. Or, we can move quickly with bold vision to creative heights and give our children Jewish understanding and a sense of historical attachment and identity, so that, given the option of choice in a free society, they will opt to remain Jewish.

Our ancestors were Jewish—we affirm our Jewishness—but history will validate our claim only if our descendants will become ancestors of others who will ultimately affirm their own Jewishness.

Striking a Balance

RUTH PERRY

PERHAPS THE GREATEST ACHIEVEMENT OF the Conservative movement, in the light of the negative attitude of Jewish theologians with regard to its prospects when it was founded in 1886, is that it is here. Not only is it here, but its growth has been faster than that of any other Jewish religious movement of our time.

As we study history, we often are impelled to ask: do the times make the man, or does the man influence the times? The same question can appropriately be applied to an institution or a movement. As it pertains to the Conservative movement, it seems evident that both views are valid. The wave of emigration from Eastern Europe, some ninety years ago, brought to our shores thousands of Jews whose prior lifestyle conditioned them to reject too liberal an interpretation of the Jewish tradition. On the other hand, a continuation of their *shtetl* Jewish patterns was not appropriate to the new environment. Therefore, they sought an approach to Judaism and to halakhah which, in the words of a contemporary Jewish philosopher, would “make Jewish law a vehicle for giving expression to new and more responsive ethical insights and convictions.”

They turned to the Jewish Theological Seminary which, already in the first decades of the 20th Century, had grown from the embryonic handful of students in 1886 to an institution offering both guidance in philosophy and personnel for leadership . . . a true marriage of man and times. Through the renowned faculty gathered by successive leaders of the Seminary, a philosophy embodying the principles of tradition and change evolved.

An ever-growing corps of Seminary graduates,—teachers, cantors, rabbis—has been trained for Conservative movement leadership. The Seminary, the greatest “yeshivah” of them all in the Western Hemisphere, has already enabled the rearing of three generations of Conservative Jews, has had an immeasurable influence on other arms of the Jewish religious and secular communities, and has reached, as well, to countless non-affiliated Jews. Through the award-winning *Eternal Light* television and radio broadcasts, millions of families have been taught about Jews and Judaism. The level of appreciation of fine Jewish ceremonial and art objects has been considerably elevated through the programs and displays in the Jewish Museum, another star in the Conservative movement’s galaxy of achievements. Scholars, worldwide, utilize in their research the materials that are available at the Seminary library, the greatest

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storehouse of Judaica and Hebraica in the world, and its rare book collection, where many of the oldest, most valuable Jewish manuscripts in existence are preserved.

Literary Judaica, in the language of the land of adoption, was another soon-recognized need of the evolving American Jewish community. As early as 1919, the women's arm of the Conservative movement published its first volume, *Friday Night Stories*, for children, and in 1924 it was already the sponsor of weekly and monthly radio broadcasts on Jewish history, holidays, ceremonies—reaching out to great numbers of uninstructed immigrant Jewish parents and their first-generation-American children. An outstanding, continuing achievement of the Conservative movement has been the expansive publishing program carried on by the Women's League, the United Synagogue, the Rabbinical Assembly and the Seminary, which has yielded countless books, monographs, and brochures on a wide spectrum of subjects.

The dissemination of such information soon generated a wider awareness of the availability of a palatable and viable pattern of Jewish expression for the generation “once removed” from the *shtetl* experience. A remarkable achievement is the growth, within a few decades, of a network of Conservative synagogues, with a vigorous, conscientious, committed laity. These synagogues brought into being another outstanding achievement of the movement, the weekday Congregational Religious Schools, attuned to the needs of their time, offering not only Hebrew language and liturgy but history, customs and ceremonies, and other subjects, in English, utilizing American-trained teachers and contemporary study methods.

The synagogues also recognized, very early, the importance of youth programs which have reached literally hundreds of thousands of young people, many of whom are, today, in the leadership of the movement. The Conservative movement was also the pioneer in the development of patterns for utilizing the summer months for intensive Jewish youth camping and travel experiences, without question among the strongest vehicles for positive Jewish identification. As the number of Jewish students in universities increased to unprecedented levels in recent decades, Conservative movement members on college faculties and leaders of “off campus” activities have been an energetic force in building Judaica departments and sparking increased religious observance.

Educational materials for adults, to meet the more worldly views of Jewish-Americans of the 1920s and offered in the new mother tongue, were another early contribution by the various arms of the movement. The growth and proliferation of text-centered Adult Studies programs in the synagogues and sisterhoods has been a significant factor in the struggle for Jewish survival in an open Western society.

Committed to the ideal of study, the Conservative movement has also, from its inception, been committed to the Land of Israel. It is no

accident that it has been the Conservative synagogues which have responded most generously, as the statistics demonstrate, to recent crisis needs of *Medinat Yisrael*. Simultaneously, a survey of the amount of service given to institutions providing for the needs of the aged, the ill, the blind and others physically or mentally handicapped, would undoubtedly demonstrate the deep commitment to the concept of *Gemilut Hasadim* as nurtured by the movement. Similarly, were we to survey the total funds raised within the synagogue family, we might well be startled to realize the investment being made annually in Jewish survival by the adherents of the Conservative movement . . . in addition to their continuing support of funds, leadership and manpower for the local Federations and countless national and overseas agencies serving the Jewish and general populations!

Do the times make the person or the person the times? As our society has been moving towards a fuller recognition of the emergence of the woman as an individual in her own right, the Conservative movement can cite with pride its early acceptance of women as partners in the development of the synagogue. Already in 1931, Women's League was operating under its own charter and directing its affairs, in full cooperation with the other arms of the movement.

Responsive to the times have been the additions of such prescient projects as the California-based University of Judaism, to meet emerging needs of the movement as the American population moved westward; programs of pastoral psychology, of applied ethics, of research to incorporate the teaching of Jewish values into standard school curricula; of institutions and programs to meet emerging needs in Israel.

In a summary assessment of the achievement of the Conservative movement, one criterion might be the impact on the world beyond its own concerns. The non-Jewish community has, on countless occasions, given remarkable recognition to its leaders and its institutions. To recall just a few: the Chief Justice of the United States Supreme Court has studied with Seminary faculty members; a Chancellor of the Seminary was designated by the President of the United States as an official delegate to represent him at the ordination of a Roman Catholic Pope; a Seminary faculty member who played a key role in securing the Vatican Statement on the Jews was also voted the favorite professor of students whom he instructed at the neighboring Protestant Theological Seminary; the inauguration of the current Chancellor was witnessed by leading academicians from major educational institutions throughout the continent, who participated in the academic procession.

It is interesting to contemplate that the flexibility which was the strength of the Conservative movement in its formative stages, and which made possible the simultaneous embrace of both tradition and change, has been seen, by some observers, as its major weakness. From it flow many of the challenges with which it must currently cope.

Is flexibility an invitation to assimilation? How far do we go in accommodating to acculturation? In an era when the observance of *kashrut* has drastically deteriorated, when current lifestyles encourage family fragmentation, when the Jewish ethical and moral codes are being widely flouted, when anti-establishment, anti-institution attitudes bring a concomitant scornful rejection of familiar synagogue patterns, should we not be defining the parameters of acceptable compromise and accommodation? Has the time come to choose between greater numbers or greater commitment?

What can be done in a mobile society to keep contact with young Conservative Jews whose careers take them far from centers of Jewish life, where the tools for living as observant Jews are largely inaccessible? What can be done about the attrition, in many instances the accompaniment of retirement, which relocation fosters among previously synagogue-active Jews who do not transfer an affiliation?

In a changing demographic situation, with Zero Population Growth and related factors affecting enrollment in our Congregational Schools, how shall we strengthen them? The pattern of the earlier Congregational Schools grew out of the need of the Jewish society of that era. Times have changed. How perspicacious are we, today, in the recognition and analysis of our new needs? Can we move with sufficient rapidity to develop curricula and staffs which will fortify every Jewish child with a strong sense of identity and Jewish pride that will enable him or her, at a later life stage, to withstand the proselytizers, the indifferent college roommates, the temptation to interdate—and to intermarry? How do we hold on to the essence of prayer, while we adjust the synagogue service to the limited attention span that is fostered by the media in our contemporary society?

The two essential elements on which the Conservative movement must rely during the next decade, if it is to arrive at its Centennial year strong and viable, are men (in the generic context) and money. How do we supplement the available pool of volunteer peoplepower, in an era when economic priorities are taking precedence over community service? Where do we get the funding to reach out to the unaffiliated, to support the formation of new synagogues in areas of young families with limited financial resources, to subvent the education for Jewish identity of our young people through the fine, ongoing opportunities available in our excellent youth programs? How can the various autonomous arms of the movement best pool their resources to make the concerted impact on our present society which, in an earlier era, resulted in the strength and growth of Conservative Judaism?

If we believe in our product, then we must be equal to the second half of the axiom—the times may make the person, but the person assuredly has the capability of influencing the times. In the words of Leo Baeck, discussing *The Essence of Judaism*, “Through faith, man experiences the meaning of the world; through action, he gives it meaning.”

The Distinctiveness of Conservative Judaism

DAVID NOVAK

THE CONSERVATIVE MOVEMENT HAS BEEN both the beneficiary and the victim of its own success in post-World War II America. In terms of numbers of adherents, of affiliated synagogues, and of stable institutions, the Conservative movement has been a huge success. More American Jews consider themselves Conservative than either Orthodox, Reform or Reconstructionist; more American synagogues are affiliated with the United Synagogue than with any other synagogue body; the Jewish Theological Seminary of America, the United Synagogue and the Rabbinical Assembly are all formidable institutions on the American Jewish scene. Nevertheless, many, both inside and outside the Conservative ranks, have argued that this American success story is largely due to the fact that the Conservative movement appeals to the pervasive American distrust of ideology. Pragmatism seems to be the secret of Conservative success because it reflects the American tendency to judge value in terms of concrete results rather than in terms of adherence to abstract principles. Indeed, one could convincingly show, I believe, that the breakoff of the Reconstructionist movement from Conservatism was largely due to the philosophical impatience of Prof. Mordecai Kaplan and his followers with the Conservative tendency to avoid systematic ideology. The Conservative movement has appealed to those who want a semblance of Jewish tradition without the rigid consistency required by Orthodoxy.

However, just as the expansionist, outward-oriented mood of the 1940s and 1950s regarded Conservative pragmatism as consistent with the *Zeitgeist*, so the more introspective, inward-oriented mood of the 1960s and 1970s had tended to regard Conservative pragmatism as superficial and sentimental, if not even opportunistic. This criticism has been accepted as a legitimate challenge by many within the movement. Thus, of late there have been calls both from various factions within the movement, as well as from outside critics, for a greater clarification of the Conservative ideological position. It has been asserted that there is, indeed, a distinctively Conservative ideology and all that is required is a greater explication and dissemination of it.

The task before the Conservative movement is, then, one of clarifying a group position. The question is: how does a group clarify its position?

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The Reform movement, at least until recently, has chosen to present its position by means of “platforms,” that is, statements of theological principles as, for example, the Pittsburgh Platform of 1885 and the Columbus Platform of 1937. These platforms, although not worded as dogmatic creeds, were, in essence, exercises in dogmatics; that is, their intent was to be authoritative affirmations of the position of a distinct religious group. The only thing missing from them was the devotional form, “I believe such and such” (*ani ma'amin/credo*). Nevertheless, it is highly doubtful whether the Conservative movement ought to clarify itself in this fashion.

First of all, as I have pointed out elsewhere (*Law and Theology in Judaism*, first series, p. 155, n. 2), halakhah has traditionally been presented as the structured, authoritative position of the normative Jewish community. Halakhah is the theoretical structure of the *mizvot*. Dogmatics, on the other hand, is the theoretical structure of belief. Whatever dogmas Judaism has are, themselves, halakhically structured. Therefore, an attempt to clarify a specifically Jewish position dogmatically but non-halakhically, as the Reform movement has tried to do, is inconsistent with Judaism's prime emphasis on the *mizvot* throughout its history.

Secondly, the efforts of the Conservative movement at the clarification of a distinctive position have largely been in the area of halakhah. Primarily through the work of the members of the Rabbinical Assembly's Committee on Law and Standards, there have been issued a number of halakhic rulings—most notably in the areas of marriage law and ritual practice—which could not be confused with the pronouncements of any other religious group in American Jewry. It seems, then, that the Conservative movement would be well advised to search for clarification in the area of halakhah. The question is: how does halakhic preoccupation lead to theological clarification?

This is problematic because halakhah and theology are structured differently. Whereas halakhah is meant to be authoritative for the group, theology is only the expression of an individual opinion. Nevertheless, though the Jewish theologian does not speak prescriptively, it does not mean that his statements have no frame of reference. His frame of reference is the traditional Jewish life of which halakhah is the *conditio sine qua non*. Therefore, if the Conservative movement is concerned with theological clarification, and if such clarification can be enunciated only descriptively by individuals rather than dogmatically by any authoritative body, then, it seems to me, the only course open is to encourage individual Conservative theologians to clarify *their* positions. A theologian can be considered Conservative not only by virtue of his organizational affiliation, but, more importantly, by his use of Conservative halakhic opinions, by his attempt to discern both their intellectual antecedents and consequences.

I believe that Conservative positions will be best explicated by creat-

ing those conditions whereby thoughtful, theologically-oriented scholars within the movement can express and exchange their ideas. In other words, there should be a maximum of individual statements and arguments and a minimum of theological pronouncements in the name of the group. For, whereas a group can speak in the name of its own collective authority without rational argument or scholarly documentation, an individual is expected to use reason and evidence. If not, why else should anyone listen to him? In short, if the Conservative movement is concerned that its positions be explicated, then it must use all of its resources to enable individual Conservative Jews who are thoughtful and scholarly to be included in an ongoing process of discourse.

However, if such a process of Conservative discourse is to be considered both possible and probable, it must presuppose some common boundaries, some limits which could be accepted as valid by most Conservative Jews, limits which demarcate them from other religious movements in contemporary Jewry. As Spinoza noted, *omnis determinatio est negatio*. I believe that a careful examination of the history of the Conservative movement, especially its intellectual history, will reveal three common boundaries which separate it from Reform, Reconstructionism and Orthodoxy, respectively.

The first common boundary, one which has been previously alluded to, is that which separates Conservatism from Reform, namely, halakhah. Although there has been more debate over halakhah among Conservative Jews than over all other issues on the modern Jewish agenda, most Conservative Jews would agree that the Conservative movement affirms *normative* Judaism. Surely Judaism is more than "pan-Halakhism," to use the late Professor A.J. Heschel's magnificent description of a certain type of Jewish mentality, but halakhah is clearly its most evident and indispensable manifestation. One might debate whether, for example, sanctions ought to be invoked against those individuals (especially members of the Rabbinical Assembly) and those congregations in the United Synagogue who violate halakhic norms, especially Conservative interpretations of halakhah. Nevertheless, a general commitment to the halakhic process, irrespective of specific differences, is what distinguishes Conservative Judaism from being a moderate type of Reform. Any Conservative thinker who rejects the commitment to halakhah would be hard pressed, it seems to me, to show how his not being, in fact, Reform is anything more than a matter of organizational affiliation or sentimental attachment.

The second common boundary is the one which separates Conservative Judaism from Reconstructionism. This boundary, it seems to me, is a tacit acceptance of a transcendental theism, that is, an acceptance of the principle that God can, and did, reveal Himself to the Jewish people in history. If God is defined as a cosmic process, as Prof. Mordecai Kaplan and his Reconstructionist followers do, then both revelation and its corollary, the election of Israel, are, in essence, impossible. For revelation and

election are *personal willed acts*. Revelation and election can, themselves, be viewed as processes and not just events, but they pre-suppose a person *who* reveals and *who* elects. In other words, revelation and election can be viewed as immanent, but their source must be transcendent if they are to retain their traditional meaning. Surely Jewish tradition has taught so. The religious “naturalism” espoused by the Reconstructionists has little, if any, precedent in Jewish tradition. Thus, the basic traditionalism of the Conservative movement, even of its “left” wing, has forced it to reaffirm transcendental theism and, thereby, part company with Reconstructionism, especially on the doctrines of revelation and the election of Israel. It is this fundamental theological difference that has caused Reconstructionism to become a separate religious movement in American Jewry and has enabled one to discover that “Reconstructionism” is by no means a synonym for “left wing” Conservatism.

The third common boundary is the one which separates Conservative Judaism from Orthodoxy. This boundary, it seems to me, is an acceptance of the historical development of Judaism. Negatively, I would say that there does not seem to be any room in the Conservative movement for fundamentalism, including Biblical literalism. The movement began with critical Jewish scholars such as Frankel and Graetz, Schechter and Ginzberg. Critical scholarship has always been the hallmark and requirement of Conservative thinkers. In essence, it means that, although the transcendent source and intent of the Torah is affirmed, revelation is *within* the ongoing tradition of the Jewish people. It is not something simply handed down intact once and for all from Sinai, something whose meaning can simply be *deduced* by means of hermeneutic principles. Rather, Conservative thinkers have accepted the content of both the Written and Oral Torahs as conditioned by human history in general and Jewish history in particular. Therefore, Conservative Jews clearly part company with the Orthodox in their *inductive* approach to the tradition. No legitimate critical method or discipline can be dogmatically ruled out of a *committed and reverent* examination of the classical Jewish sources. Obviously, such an inductive historical approach will discover a far greater variety of precedents in the tradition and will lead to more liberal halakhic rulings than would be possible within Orthodoxy. Even the most “right wing” Conservative thinker would not be able to buttress his traditionalism with Orthodox style fundamentalism without, at the same time, growing more and more uncomfortable in the Conservative world of discourse.

I believe that if this Conservative world of discourse, which already exists informally, were constituted formally, and individual Jewish thinkers were encouraged to function within it, the Conservative movement could become the reflection of a viable, modern Jewish traditionalism. This traditionalism of the Conservative movement, as I have tried to outline it briefly in this paper, is normative not dogmatic, theistic not

naturalistic, and reverent without being fundamentalist. This approach is, in my opinion, closest to Jewish tradition and one which can attract the best minds to whom that tradition is of prime importance and who wish to make their own humble contributions to its continuity and growth.

Unfinished Business

PHILLIP SIGAL

1. *Prefatory Comments*

THE AUSPICIOUS NINETIETH ANNIVERSARY of the Jewish Theological Seminary properly lends itself to a discussion of the future of halakhah in the Conservative movement. As one who has had a long-term concern with halakhah I welcome this invitation by my colleague and teacher, Robert Gordis, to share my thoughts.

One aspect of the subject which I put aside at the outset is the stereotype of the tension between "right" (conservative) and "left" (liberal) with the saving role of "center" (conservative) as characterizing the Conservative movement. Supreme Court Justice Benjamin N. Cardozo once observed of the great Chief Justice John Marshall that

Marshall's own career is a conspicuous illustration of the fact that the ideal is beyond the reach of human faculties to attain. He gave the constitution of the United States the impress of his own mind; and the form of our constitutional law is what it is, because he moulded it while it was still plastic and malleable in the fire of his own intense convictions.¹

What was true of Marshall has been true of the authentic halakhist from the beginning. Certain conscious and subconscious elements, and our cultural environment, influence our work today just as they did the efforts of the *sofrim*, proto-rabbis and rabbis, from the fifth century B.C.E. to the fifth century C.E.² It is neither doctrinaire liberalism nor ideological conservatism that we need, but simply the willingness to accept an option from one or more alternatives that will make Torah inspirationally livable. Therefore, when we speak of the role of halakhah in the future, we ought to speak of it as the means of forging the best possible instrument for transmitting the faith to coming generations.

1. Benjamin N. Cardozo, *The Nature of the Judicial Process* (New Haven: 1921), p. 169f.

2. I use the term "proto-rabbi" to signify the sages who flourished from the time of Simon the Righteous (200 B.C.E.) to the introduction of ordination at Yavneh after 70 C.E.

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On a Seminary anniversary it may be in order to indicate that although its great luminaries did not specifically engage in teaching us a *derekh* in halakhah they wrought more than some are aware. Their respective researches into the intertestamental, hellenistic and early rabbinic literature and their careful historico-critical examination of texts is a “*derekh-model*” that will have to be applied to specific halakhic research. This process is capable of achieving the necessary adjustment, modification, abrogation and innovation in halakhah that will provide the interested Jew with the alternative worship patterns or ritual forms for which he is groping.

II. *The Challenge*

The task that faces the modern halakhist is massive. Among many contemporary issues, some questions that he must confront are: a) the nature of sacrament in Judaism; b) the status of mixed marriages where the non-Judaic partner is a monotheist who plans to live a Judaic religious life; c) the halakhah of *kashrut*; d) full equalization of rite and right for males and females, from the admission of an infant into the fellowship of Judaism through the life-cycle, in both synagogue and home, and concerning both communal rights and duties, including the ordination of women as rabbis in the Seminary whose anniversary we are now celebrating; e) the point at which life-sustaining measures may be terminated, with the concomitant issue of the relative roles of the brain and respiratory power as a definition of “living;” f) transvestism; g) cloning; h) the need to define the meaning of *melakhah* (work) on the Sabbath. The whole realm of *minhag* (custom) requires an updated scientific reexamination under the discipline of the science of anthropology. There are a host of other issues that the halakhist must come to grips with in contemporary society: homosexuality and lesbianism; how to determine the status of a child in Judaism; whether money acquired through white collar crime may be accepted by charitable groups in return for offering to the donor legitimacy, honor and power in the Jewish community. More halakhic light will have to be projected, and less heat disseminated, on the serious question of a Jew’s obligation in such matters as ZPG and a stable economy in a world of diminishing resources.

Within the limited framework of this article I am able to do no more than explore cursorily several of the elements that must enter into dealing with the substantive issues in order to forge the instrument that I called for earlier. First of all, it is important to come to grips with the central theological issue of Revelation. Concomitant with a doctrine of Revelation, it is necessary to provide a theological rationale for rabbinic authority to change the content of that Revelation. Secondly, it is of significant value to define a hermeneutic of the halakhah as part of the theology, in order to apply, where possible, the classical methodology of the halakhah to our own needs.

III. *A Theology of Halakhah*

A. Revelation

Elsewhere I have gone into greater detail on the matter of the tension between divine revelation and human authority.³ Here it will suffice to say that the doctrine which expresses the basic idea that God made known His will to man through Moses at Sinai was the cornerstone of Judaism. We find that an explicit premise at the dawn of the Ezraic-Nehemian reformation.⁴ The religious experience of ancient Israel was, however, merely the beginning of the process. Consequently, the problem of whether and how halakhic change can be made by human beings operating on a divine charge is a serious one.

It is clear, from rabbinic literature, that the rabbis were not put off by it. As Abraham Joshua Heschel put it, "The will of God is external, transcending all moments, all events, including acts of revelation."⁵ This will has to be interpreted. The ancient rabbis were conscious both of the growth of a halakhah supplementary to the Torah and of their own involvement in the process. They believed that, once the experience of Sinai was past, the Torah itself became subject to human authority.⁶ From this perspective, the acceptance of a doctrine of Revelation need not imply acceptance of a parallel doctrine of the "immutability" of the halakhah.

B. The Hermeneutic

The hermeneutic of halakhah began when Moses, historically or figuratively, depending upon one's perspective, came down from Sinai. The questions that crowd the mind on every verse in the Covenant Code make it inevitable that the process of halakhic expansion began immediately, though one must comb through Scripture to find the results of this hermeneutic. But such results are apparent, for instance, in the use of *kal v'homer* in Scripture.⁷ Nevertheless, it is difficult to find an explicit statement that interpretive inquiry is the norm, until we reach the Ezra-Nehemiah reformation, when it becomes clear that not only was Revelation the premise of Judaism, but that the religious spiritualists engaged in what was called *midrash*, hermeneutics.⁸ This system remained the basic approach to the written Torah for an indeterminate length of time, but, side by side with it there arose new halakhah which was the ultimate product of customs whose origins are lost in the dense fog of antiquity.

3. Phillip Sigal, *New Dimensions in Judaism* (New York: Exposition Press, 1972), pp. 25-37.

4. Ezra 7:6

5. Abraham Joshua Heschel, *God in Search of Man* (Philadelphia: 1956), p. 217.

6. B. *Mezta* 59b, B. *Temurah* 16a and elsewhere.

7. See for example, Louis Jacobs, "The Qal VaHomer Argument in the O.T.," *Bulletin, School of Oriental and African Studies*, U. of London, 35, Part 2 (1972).

8. Ezra 7:10; Neh. 8:8.

Like the hellenistic societies as a whole, of which Judea and the Diaspora, especially Alexandria, were one normal segment, there arose two sets of practices. The one was the *nomoi engraphoi*, the "written Torah," the other was the *nomoi agraphoi*, the "unwritten Torah."⁹ At the outset, that "unwritten Torah" was designed to protect the heart of faith, the "written Torah."¹⁰

Later rabbinic interpretations of Neh. 8:8 leaves no doubt that they believed that a word-science was of long Judean tradition. This was furthered in a school of word-science represented by Nahum of Gimzo, the mentor of Akiba. We really have no precise way of ascertaining how much earlier than Nahum this was already in effect, but I see no reason why it could not have been late Biblical or early post-exilic. Some rabbis believed that the methodology of Scriptural exposition went back to Moses at Sinai.¹¹

Saul Lieberman has shown that, although *hekesh*, "analogy," is not yet listed among Hillel's seven hermeneutical rules, it was in use as early as the second century B.C.E.¹², and, in all probability *kelal u'prat*, "the general and particular," as a hermeneutical rule went back to pre-Maccabean times. We already find it in use by Yosi b. Yoezer who died in 162 B.C.E., and he, in turn, is repeating a halakhah given in the name of "the early sages."¹³

This cursory survey suggests an important conclusion. The earliest halakhah which remains the core of our twentieth-century Judaism, via Mishnah and Talmud, was the natural, organic product of scholars who learned from their environment and applied the best methodology available to them in the Graeco-Roman civilization. For us, this means that if we are to effect historic continuity, not only do we begin with a theological doctrine of Revelation, but we must also apply either or both the historic and contemporary hermeneutic.

Yet, a hermeneutic must be infused by an underlying philosophy which will direct it toward spiritually enhancing precepts. This is already available to us in the form of at least twenty-two motivating rationales that one can find behind rabbinic hermeneutic.¹⁴ Although some of these are

9. On this there is a useful discussion by David Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *Hebrew Union College Annual*, 22, (1968).

10. M. *Abot* 1:1. I do not take the term *seyag*, "a hedge," in a restrictive sense only. I understand it as a very positive form of protective device. Space does not permit me to expound on this here but I refer the reader to my previously cited book, pp. 47f., 66f., and the notes on pp. 215f., 221f. which, in turn, point to interesting rabbinic sources on this question. See, for instance, Gen. *Rabbah* 19:3 and B. *San.* 29a and *Abot de Rabbi Nathan*, ed. Solomon Schechter (New York: 1945) Version B, p. 2.

11. B. *Megillah* 19b.

12. Saul Lieberman, *Hellenism in Jewish Palestine* (New York: 1950), pp. 60f.

13. For Hillel's rules see *Tosefta Sanhedrin* 7:11. Cf. *Sifra*, ed. J.H. Weiss (Vienna: 1861), p. 22d; M. *Eduyot* 8:4. See also J.Z. Lauterbach, *Rabbinic Essays* (Cincinnati: HUC Press, 1951), pp. 220ff. On the possible overlap of the so-called Biblical material and *soferic* material see Louis Finkelstein, *New Light From The Prophets* (New York: 1969).

14. Sigal, *Op. cit.* Chapters 4-7 and, especially, pp. 218f. n.2.

simply rhetorical or legislative formulae, some are socially-directed, ethical principles that are concerned not only for the welfare of society as a whole, but for the well-being also of the individual and, most especially, of the underprivileged and underprotected.

Rabbinic hermeneutic was used for abrogating Torahitic halakhah and to establish new institutions. An example of the first is the “rebellious son” of Deut. 21:18–20 who faced the death penalty. The rabbis made the law inoperative by hemming in the “crime” with an exegesis of limitation. They defined the time span within which a parent could exercise this awesome power to the three months, as they calculated, that it took an adolescent to grow visible signs of pubic hair. Even then only a wino or a meat glutton could incur guilt, a limitation which they derived by virtue of a *hekesh* with Prov. 23:20 where the same terms, *zolel* and *soveh* are modified by *basar* (meat) and *ya’yin* (wine). Thus, out of humanitarian concern, and with new conceptions of parental authority, the rabbis abolished a Scriptural institution.¹⁵

An example of the second order is the establishment of a ten-person prayer quorum. The obvious question is why the proto-rabbis or their predecessors, the *hakhamim*, or earlier *sofrim*, instituted this requirement. Nor do we have any documentation available to us as to when it was first required that these primitive prayer-gatherings have present a minimum of ten in order to include particular elements of the rite. Both Talmuds later attributed it to the use of the hermeneutical device of *gezerah shavah*.¹⁶ We know that, for some time, there was opposition to this requirement and it is probably correct to say that not until R. Yosi b. Abun, one of the last major Palestinian halakhists, restated a flawless *gezerah shavah*, that the minyan became a permanent requirement.¹⁷

This hermeneutic was responsible for far-ranging results. It made impossible the development of a central monolithic authoritarian Synagogue (capital S). If there had been no minimum requirement, society could not consider several worshippers as a “congregation,” but, by establishing this requirement, the halakhah allowed for a handful of people to be constituted as a legitimate body of worshippers and, inevitably, even as a separate denomination. Here was great potential for democratic religion. It terminated a territorial concept of God’s house, reversing the place-oriented Deuteronomic central-shrine cultic system, and established in its place a congregation-oriented worship idea. The hermeneutic, therefore, seen for what it really is, is not a clever word-play but a method which made religion viable, while at the same time maintaining continuity with Scripture.

15. B. *Sanhedrin* 68b–72a.

16. For a discussion of the flaws in the Babylonian *gezerah shavah* see my “Women in the Prayer Quorum,” *JUDAISM*, 23 (1974). This is scheduled now to be republished in *Conservative Judaism and Jewish Law*, ed. Seymour Siegel. Cf. P. *Megillah* 75b, P. *Berakhot* 11c, B. *Berakhot* 21b, B. *Megillah* 23b.

17. *Soferim* 10:7.

C. The Lenient Option

The above leads us to a very important aspect of the theology of halakhah as it manifested itself in the past and which it behooves us to maintain in the future. This is the propensity of many ancient sages, whose work was ultimately embodied in the recommended halakhah as transmitted through Mishnah and Talmud into Gaonic literature and beyond, to select the lenient option before deciding upon a halakhah that would affect human beings in their private lives. By "lenient" I have in mind what some at times call "liberal," an unfortunately misleading rubric for what is really meant, namely *kulla*, as distinct from *humra*, a more conservative or stringent approach. One might, in terms related to the American system, delineate them respectively as "loose constructionism" and "strict constructionism."

Ezra and Nehemiah had set the conservative pace, a natural reaction during their period of retrenchment when the fear that relaxation would lead to spiritual suicide inaugurated a "closed society" in Judaism. A new period, however, emerged with the work of Simon the Righteous and Yosi b. Yoezer, who reversed the tendency and inaugurated a trend to leniency. A better known example of this is Bet Hillel and Bet Shammai. Although the halakhah frequently followed the lenient Hillelite view, when the Shammaite view was lenient it followed theirs, or took a middle position.¹⁸ A study of a variety of personalities and themes in every tractate of the Talmud, from a wide range of centuries and subject-matter, will further bear out this thesis.¹⁹

We find that in a variety of ritual matters such as *avelut*, *eruin*, and *agunah*, a principle is established that the halakhah should follow a lenient option.²⁰ The sages unsuccessfully attempted to systematize authority, which they gave, in certain fields of halakhah, to specific scholars. The halakhah, for example, is said to follow Rab (Abba Arikha) in matters of *issur* and *hetter* (ritual), or Samuel in *dinei* (civil law). Nevertheless, the halakhah follows Samuel in matters of ritual where he is lenient.²¹ The same can be documented in the cases of R. Yosi b. Halaftha, who is usually lenient in his controversies with R. Yehudah b. Ilai, or the stringent R. Aha in his disputes with Ravina. In the latter case, only in three instances did the halakhah follow R. Aha, and in all three he was lenient.²² Theoretically, they were to decide *l'humra* in Torahitic matters and *l'kulla* in rabbinic matters, but, actually, every question becomes "rabbinic" as soon as it is

18. There is a good discussion of this matter in Alexander Guttmann, *Rabbinic Judaism In The Making* (Detroit: 1970), pp. 59–104. Cf. especially M. *Eduyot* 1:12–13, M. *Niddah* 1:1.

19. The halakhah follows R. Yohanan who is frequently the lenient disputant with Simon ben Lakish. But, when the latter is lenient, the halakhah follows him. Cf. B. *Yevamot* 35b–36a.

20. B. *Moed Katan* 18a, 19b, B. *Bekhorot* 49a, B. *Eruvin* 46a, B. *Yevamot* 88a, B. *Gittin* 3a, and elsewhere.

21. B. *Niddah* 24b, B. *Bekhorot* 49b, B. *Hullin* 11b., M. *Taanit* 2:8 and B. *Taanit* 15b, 18a.

22. B. *Hullin* 93b; Cf. R. Asher and Alfasi on the text. Cf. B. *Pesahim* 74b.

debated and shifted from a literal Torahitic posture. The question of a woman becoming involved in adultery is obviously a Torahitic one, and yet the question of *agunah* was deemed “rabbinic.” Similarly, the Sabbath is a Torahitic institution but *eruv* was considered “rabbinic.”

The above are only the tip of an iceberg, and examples could be multiplied many times over. A study of the sayings of personalities would be rewarded in such cases as Yoḥanan Kohen Gadol, R. Simon b. Gamaliel II, R. Joshua b. Ḥananyah, Rav Huna, and others. Unpopular decrees were abolished and a rule was instituted against enacting decrees which the community was unable to abide.²³ The sages lauded the role of *hetter*, permissiveness.²⁴

The application of the sophistication of Talmudic Judaism in matters of halakhah has great potential for the Conservative movement in the twenty-first century. To move liberally in the direction of radical revision of some areas of the halakhah is not a contradiction of the name by which the movement is known. The selection of lenient options as an alternative does not prevent anyone else from maintaining a more pronounced stringency. In this way, both “schools” are effectively “conserving” Judaism, the latter by its liberalism, the former by making available viable options for those who might otherwise abandon the halakhah. What was written of R. Abraham b. David of Posquières, the twelfth century critic of the basically conservative scholar, Maimonides, should be the contemporary posture. Of him it was said: “He was often a liberalizing influence, advocating greater latitude in observance, or more lenient interpretation of the law.”²⁵ By his own testimony, *Rabad* relied upon his self-confidence, original research, and an examination of the needs of the time.

D. The Machinery of Revision

Not the least of the problems in affirming fidelity to a revised contemporary halakhah is defining the authority capable of such revision. It is clear from our ancient sources that the authority to teach the way the people were to walk was entrusted to the priest. But, in addition to him, there also functioned a non-priestly *shofet*, or there would be no need to mention him apart from the levitical priest.²⁶ In post-exilic Judaism there arose the *soferim* and, later, the *hakhamim* or proto-rabbis, and the aforementioned Ezra-Nehemiah passages indicate to us that leading sages interpreted Scripture and expanded the halakhah. The priestly class con-

23. P. *Shabbat* 3d, P. *Gittin* 48d; B. *Avodah Zarah* 36a, 37a and R. Asher on the text.

24. B. *Berakhot* 60a, B. *Bezah* 2b, B. *Eruvin* 72b, B. *Kiddushin* 60b and elsewhere.

25. Isadore Twersky, *Rabad of Posquières* (Cambridge: 1962), p. 47. But, see, especially, the *Hasagot Rabad*, at the end of the Introduction to the *Mishneh Torah*. There, among other things, *Rabad* says that he sees no reason to adopt the view of Maimonides who may have selected the view of one Gaon over another, for he, *Rabad*, can select the view of the disputing Gaon.

26. Deut. 17:9. Cf. Malakhi 2:4,7f.

tinued to play a significant role in the process, controlling the emergent Sanhedrin, and maintaining authority until the defeat of 70 C.E. Following that catastrophe, what we call “rabbinic Judaism,” by no means a wholly new creation, came to the fore.

The rabbis decided halakhah on the strength of their scholarship. At times they were followed for that alone, at times they held positions, such as the Patriarchate, that gave them secular power with which to enforce their halakhic teaching. But there was never an indigenous central authority provided by Jewish theology in the same way as Roman Catholic theology provides the papacy or the episcopacy.

There are some who erroneously consider the Sanhedrin to be such a body and argue, therefore, that only a reconstituted Sanhedrin or at least some form of Synod, such as functioned during the Middle Ages, can be regarded as a legitimate halakhic authority for any serious innovation or revision. The implication of this argument is that everything which the Conservative movement has innovated, declared imperative or revised for over a century is to be regarded theologically as sin. It is necessary to take a quick glance at this proposition.

The functions of the Bet Din of seventy-one are enumerated in the Mishnah and Tosefta,²⁷ where all the items relate to courtroom activity and are confined to a few select areas of social concern. They are not matters of interpretation and exposition. When the Mishnah relates that from the Great Bet Din of the Chamber of Hewn Stone “went forth Torah to all Israel,” it simply means court rulings in that context, not routine halakhah arising from interpretation, exposition or special enactment.²⁸ The context is the trial of a “rebellious scholar,” *zaken mamre*, and it directs him to succumb to the ruling of this last court of appeal.

In general, a great deal of indecision and uncertainty plagues us regarding the institution of the Sanhedrin. We are still not sure how it really functioned, who composed it, whether there were separate political and religious Sanhedria, or how to reconcile hellenistic and rabbinic sources.²⁹

But one thing is clear. When the Sanhedrin becomes involved in halakhah it is in relation to a court order and to routine interpretation and making of halakhah. To ignore a decision of that Bet Din is to incur the possibility of charges.³⁰ This is not the place, nor is it necessary to digress to document the wide diversity that existed in the halakhah in post-exilic Judaism before, during, and after the Sanhedrin’s existence. Many re-

27. M. *Sanhedrin* 1:5; Tos. 3:4; M. *Sotah* 9:1.

28. M. *Sanhedrin* 11:2.

29. A reading of Hugo Mantel, *Studies in the History of the Sanhedrin* (Cambridge: 1965) as well as a wide variety of other studies, from A. Büchler through Louis Ginzberg, Louis Finkelstein, Solomon Zeitlin and Sidney Hoenig, among others, will amply demonstrate these statements.

30. P. *Avodah Zarah* 41a. Samuel threatens to have Rab before the Bet Din if he will not accept the court’s abrogation of the prohibition of gentile oil.

peated attempts were made to enforce uniformity, but they were never successful. The present generation, which witnesses at least five "official" denominations (Reconstructionist, Reform, Conservative, Orthodox, Hasidic), is far overshadowed by the proto-rabbinic society of the first centuries B.C.E. and C.E. when, we are informed, there were at least twenty-four denominations.³¹ This point, in itself, brings into question the role of the Sanhedrin in establishing norms of halakhic observance.

An interesting collateral question here is: what is the requirement for an individual to decide halakhah? The answer involves us in the problem of ordination. We are told that, at first, each scholar ordained his own disciples, as seems to have been the case from the time of Yohanan b. Zakkai who apparently originated the system, until the middle of the second century. At that time, the power of appointment was reserved to the Nasi in agreement with the members of his Bet Din, although for a short period, until the end of the Patriarchate, he had veto power over the ordinations.³² Thus, ordination was tightly controlled, as it is today, being generally confined to seminaries. For the most part, individual scholars no longer independently ordain disciples as they did in Eastern Europe right into the twentieth century. But this fact does not contradict the reality that, once ordained and given faculty appointments in academies at Caesarea, Tiberias, Sura, Pumbedita or Nehardea, the scholars were relatively independent and, on the basis of exegesis and hermeneutics, made halakhic decisions independent of courts. This was true not only when the Sanhedrin was no longer in existence, but even while it was functioning in Jerusalem. Only to the extent that every court "legislates" indirectly by the impact of its decisions upon law, did the Sanhedrin also play this role. In any event, since the real power of the Sanhedrin vanished after the reign of Herod, or certainly no later than the rebellion of 66–70 C.E., it is clear that it played no major role in the evolution of *tannaitic-amoraic* halakhah.

One further question presents itself, and it concerns the Synod of the Middle Ages. There are those who believe that only in a revival of this institution will there be legitimacy for modern halakhic revision. It is true that R. Gershom favored mandatory communal enactments over the authority of individual scholarship. But this was, in itself, an innovation, the creation of an institution which had never existed in Palestine or Babylonia and was, without question, due to Christian influence. R. Gershom's view was not a popular one and R. Tam, in twelfth century France, probably had much to do with eliminating it as a significant contender for permanent authority in Judaism. Synods were held in later centuries but were not really halakhic gatherings. They dealt with what we today call

31. *P.Sanhedrin* 29c. See Saul Lieberman, *Texts and Studies* (New York: 1974), p. 199. Lieberman takes the statement at face value.

32. *P. Sanhedrin* 19a. There is no textual evidence for earlier granting of *reshuta*, certification to act as a "Rabbi" as one would be called after ordination. Cf. *B. Sanhedrin* 13b.

“defense” issues, or with economic and political concerns. Judaism always reverted to independent halakhic authority.³³

This brings us to the question of a “Chief Rabbi” as a possibility of reducing the diversity that borders on anarchy. Some sort of central control by a mini-pope may have greater legitimacy. Here there is error on several counts. For one thing, there is no guarantee that such a person would be a highly qualified halakhist, and, for another, the “Chief Rabbi” concept is no more indigenous to Judaism than is the papacy. The office was an invention of gentile Spanish authorities and R. Solomon ibn Aderet is our source for the fact that some of them were “illiterate.” On the other hand, great medieval halakhic scholars such as Ibn Aderet were not “Chief Rabbis.” Our halakhic heritage, therefore, is not the outgrowth of Sanhedrin, Synod or Chief Rabbi. It is the product of serious expository scholars whose views ultimately were concretized in the patterns of Jewish communities.³⁴

IV. *The Conservative Movement and the Law Committee*

The foregoing is important for members of Conservative synagogues to be aware of and to understand, in order to relieve them of the guilt and insecurity that plagues them today. Guilt attends their violation of what they think is mandatory, and they suffer from insecurity as to whether the revisions made by the Rabbinical Assembly Law Committee are legitimate.

The Law Committee is, without doubt, regarded as an entirely new phenomenon in Judaism. And so it would appear at first glance. On the other hand, although we have very little documented evidence, it is entirely possible that the *yeshiva* or *mesivta*, the institution that we have come to call “academy” and that flourished in early rabbinic Judaism, may not have been a school in every sense of our modern usage of that term. It was probably both a “school” and a “committee,” a session at which halakhah was simultaneously expounded and decided through discussion of Scripture, transmitted traditions and emerging, popular *minhag*. The Law Committee serves both functions at meetings, especially when responsa are read and deliberated. In a very real sense, the Law Committee may come closer historically than does any other group to the ancient system of expounding halakhah. And, just as in ancient, medieval and modern times individual rabbis had vital input and impact on a private basis through their direct communications and written works, so, too, members of that Committee have private effect as well. The Committee does not function as a “central authority.” It serves as advocate, collective teacher and channel. It contains within itself the Bet Shammai and Bet

33. Phillip Sigal, *The Emergency of Contemporary Judaism* (Pittsburgh: 1977), pp. 247–251, 256f.

34. Ibid. p. 465f. n.78. A study of the medieval rabbinate would be instructive for us.

Hillel amalgam, along with other varieties of halakhic experience, and sometimes the laurel goes to one view and at others to another. It does not always choose the lenient option, and in this sense it wavers between the Ezraic-Nehemian philosophy of retrenchment, and the post-Yosi b. Yoezer era of leniency.

V. *The Future*

As the Conservative movement, dated from the birth of its Seminary enters into the last decade of its first century, it should establish halakhic goals to reach before the centennial celebration. These should include, first of all, a more comprehensive articulation of a theology of halakhah than has hitherto been produced and should encompass doctrines concerning Revelation, authority, and methodology. Secondly, there should be an examination of the substantive issues that I have listed earlier in this paper, and halakhic postures should be arrived at that are in keeping with the theology and the needs of our time.

Significant in all this deliberation must be intellectual integrity. What we no longer observe we should honestly declare inoperative. What we cannot bring ourselves to declare inoperative we should observe. There is also a third way: to declare certain matters optional—*reshut*—and to teach our people that *reshut* is a perfectly legitimate category in halakhah. Among the listed issues of substance earlier in the essay is the Sabbath. There is a reluctance to tackle it on a serious and even radical basis. Yet this, perhaps more than any other question, nudges our intellectual integrity. To redefine *melakhah* (work) may be the only course, and to do so in a way that will meet the requirements of our time, coupled with training our people to a new type of observance of the Sabbath. A careful study of every relevant verse in Scripture points to the prohibition of *melakhah* as signifying one's gainful occupation. But we must go beyond that to a recognition that not all occupations are the same. Some are not necessarily to be prohibited on the Sabbath.

Ex. 31:12–17 contains an original paradigm of the Sabbath halakhah, albeit now it is a composite of two separate versions. That it is a paradigm is evidenced by the fact that the Sabbath tractate in *Mekhilta* deals with it. In it are found the sacramental aspects of Sabbath as “covenant” and “sign” and it is these which modern halakhah has to expand upon. The two sets of commandments ordaining the Sabbath call upon the Jew to commemorate Creation and Redemption.³⁵ These central theological doctrines have to be considered as the basis of new Sabbath halakhah. This implies a much more intensive concentration upon the liturgy and ritual of home and synagogue, and a reduction of restrictive prohibitions that are related to the concepts which we must reconsider. I have in mind such elements of the Sabbath halakhah as *toldot*, *mukzah*, *shevut* and *tiltul*. The

35. Ex. 20:8, Deut. 5:15.

Sabbath, as “sign,” is the Jew’s medium through which he fulfills his role as “witness” (Is. 43:12). We must, therefore, rethink our witness theology and how best to implement it in 2001.³⁶

The Sabbath question will call for sweeping changes in the liturgy in order to permit all of those rituals in the synagogue which are presently omitted, such as the *shofar* and the *lulav* and *etrog*.³⁷ Perhaps change should imply witness-theology to create new usages that enhance the *zakhor*—commemorative aspect of the Sabbath, and the sacramental nature of the covenant in Judaism. Most especially, the life-cycle should be observed more richly at synagogue worship, and specifically on the Sabbath.

But no less than the Sabbath, other contemporary questions cry out for solution. The Conservative movement has the intellectual resources and the halakhic expertise successfully to restructure the halakhah to meet the future.

VI. *The Seminary and the Law Committee*

The Seminary’s role in all of this is vital. First of all, it should be an active partner in developing the *mesivta* concept within the Law Committee. Too often, in the past, there have been shadows of tension between the two. There ought to be a serious partnership. When a major issue is on the agenda, Seminary faculty in rabbinics should join with Committee members in a frank discussion of all of the rabbinic sources pertaining to the issue. This, indeed, would implicate the Seminary in the halakhic decisions of the Law Committee, but no more than any member of the Committee is implicated even if he votes against the decision.

The Seminary should engage appropriate faculty to teach halakhah in a creative and imaginative form, and to train students in the techniques of comparative analysis and textual criticism. The Apocrypha and Qumran literature should be examined in the curriculum in Talmud and halakhah classes, as should the New Testament.

But at no time should it be considered a desideratum to have only academic people on the Committee. The Committee is equally well-served by scholarly pulpit rabbis who have the pulse of the community at large

36. This is not the place to enter into a careful tracing of the evolution of the Sabbath halakhah from the Pentateuch through Jeremiah, Ezra, Nehemiah, the Intertestamental literature such as Jubilees, and the Qumran scrolls into its final rabbinic form, which I plan to do elsewhere. But it is clear from a rapid survey that the thirty-nine *melakhot* prohibited by the Mishnah may, in themselves, be understood as occupational categories and not ordinary domestic tasks. See *M. Shabbat* 7:2.

37. There is a plethora of references concerning this, among which are *Tosefta Shabbat* 15:16; *Mekhilta*, ed. Jacob Lauterbach, (Phil: 1949), II, 209; *Sifra*, ed. Weiss, p. 100a; *M. Menahot* 4:4; *B. Menahot* 50a; *B. Shabbat* 131a, etc. I understand that a paper is now in process of being submitted by my colleague, Solomon Kaplan, to our Committee on Jewish Law and Standards advocating sounding the *shofar* on Rosh Hashanah when it occurs on the Sabbath.

and know what directions their people are groping for. The principle of *pok hazi*, to see what the people are doing, does not mean that we have to succumb to the lowest common denominator, but it does mean that we should examine carefully the needs and interests of society in any given generation.

Along with the academics and pulpit rabbis, the Committee should have as regular consultants psychiatrists, medical men and scientists. For example, in the list of substantive issues we have homosexuality, which requires expertise in several fields, and *kashrut* which calls for consultation with chemists, to name only two.

Together, the Law Committee and the Seminary should establish a halakhah press to publish both research studies and pragmatic halakhic responsa in a regular quarterly journal, as well as monographs on halakhah, halakhah-oriented rabbinics and comparative legal studies.

Seventy-five years ago Solomon Schechter said, “. . . the crown and climax of all learning is research. The object of this searching is truth . . . But while in search of this truth . . . The student not only re-examines the old sources, but is on the constant lookout for . . . new fields of exploration . . .”³⁸ Now is the time to apply Schechter’s dualistic insight to the field of halakhic research and revision.

38. From his “Inaugural Address,” November 20, 1902, in *Seminary Addresses* (New York: 1959), p. 16f.

The Interaction of History and Theology

BEN ZION BOKSER

THE PIVOTAL DOCTRINE WHICH INSPIRED the emergence of Conservative Judaism and which remains characteristic of its approach to Jewish tradition is the perception of a historical dimension in the pattern of beliefs and practices that make up Jewish religious life. It is the recognition that our sacred texts, our doctrinal affirmations, our ritual practices and laws did not come fully formed from the hand of God. A divine inspiration or revelation released the initial thrust that brought them into being, but the shape which they assumed bears upon it the work of man, who sought to mediate the divine ideal and to adapt it to the existential realities of history.

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This perception of Conservative Judaism arose as an incident in the struggle for adjustment to secular society at the dawn of the modern period in Jewish history. Those who gave primacy to the need for adjustment repudiated Jewish separatism, which they thought was vested primarily in the particular rites that made up the behavioral patterns of Jewish religious life. They held that those rites were only the husk in which were carried the universal values of Judaism as summed up in ethical monotheism. In effect, this view made Judaism into another religious denomination, parallel to the Christian denominations which formed a legitimate part of the general community. This position crystallized, finally, into what came to be called Reform Judaism. At the other extreme were the Jewish traditionalists who refused to distinguish between particularism and Jewish universalism, who held that the entire tradition was divinely mandated and, therefore, beyond human manipulation. This position came to be identified as Orthodoxy. Conservatism was, in a sense, a middle ground. It proclaimed loyalty to tradition but it also affirmed the legitimacy of change.

The stress on the historical aspect of Jewish life, which is at the heart of Conservative Judaism, has subtly shifted the perception of Jewish identity from religious community to peoplehood. Instead of the focus falling on a body of doctrines, on a pattern of rites, or on a system of values, it tends to be placed on the people. Judaism, from this perspective, tends to be defined as a civilization rather than as a religion. The pioneer in the effort at a redefinition of Jewish identity was the great German Jewish scholar and rabbi, Zechariah Frankel, who spoke of "positive-historical Judaism." The term was not precise enough to be fully descriptive, but its thrust was to emphasize the national element in Judaism. Dr. M.M. Kaplan formulated the conception in terms which gained greater acceptance; he spoke of Judaism as a civilization. Dr. Robert Gordis gave this conception its most comprehensive formulation when he spoke of Judaism as *the evolving religious civilization of the Jewish people*.

This conception had some positive implications which enabled Conservative Judaism to make significant contributions to Jewish life. It sent its followers into active involvement in all movements and activities which Jews were called on to assume in meeting the exigencies of Jewish existence. They played a leading role in every Zionist endeavor, where they have not created a separate party but have participated in the overall efforts of service to Israel. The Conservative synagogue has been a center for every major effort to serve Jewish causes; it has been an outpost of the national interests and concerns of the Jewish people.

The stress on peoplehood, as opposed to religious community, has resulted in a widening of the content of Jewish scholarship. The classics of traditional Jewish literature, the Bible and the Talmud, are studied by Conservative scholars in the context of their historical development, and to the hallowed texts of old have been added many new creations of a later

age—the works of moralists, halakhists, historians and liturgists. There has been an impressive enrichment in which everything expressive of Jewish historical striving has been included in the concern of the Jewish student. And the Conservative movement has developed an intensive program of Jewish education on the elementary and intermediate as well as on the adult level. Most recently, the Conservative movement has adopted the Jewish Day School to offer a more intensive Jewish education than can be communicated through the afternoon religious school.

The most impressive contribution of the Conservative movement is a certain flexibility that facilitated change when new experience suggested its cogency. It enabled the sensitive Jew to face without embarrassment the presence of primitive elements in the Bible and other sacred texts. Who has not winced in reading the call to slay witches (Ex. 22:17), to execute a rebellious son (Deut. 22:18), to exterminate every soul of the Canaanite population on entry into the land (Deut. 20:6)? Who has not recoiled from Samuel's denunciation of Saul because he had spared the life of Agag when the latter had become his prisoner of war (I Sam. 15)? One who has accepted the thesis that Jewish tradition bears upon itself the marks of evolution finds no problem in the recognition of a primitive element which reflects a moral norm that has been transcended in later development. One finds a recognition of this principle in the Talmud, as when the rabbis stated (*Makkot* 24a) that the prophet Ezekiel had nullified the earlier Biblical teaching that God "visits the sins of the fathers upon the children and upon the children's children unto the third and fourth generation" (Ex. 34:7), declaring instead, "The soul that sinneth—it shall die" (Ez. 18:4). But many zealots for Torah loyalty in our own day have failed to grasp the full implications of this Talmudic statement, arguing that loyalty to Torah calls for acceptance—and justification—of every word in it as divine and equally authoritative. In Conservative Judaism the recognition of the legitimacy of change is given full recognition.

The most important opportunity which the legitimization of change has opened up for the Conservative movement has been in the area of halakhah, especially in the law of marriage and divorce. Conservative Judaism has adopted a *takkanah* which, in effect, offers a solution to the long vexing problem of the *agunah*. The woman who is civilly divorced but still attached to her former husband because he will not consent to give her a *get* has been a moral predicament to all sensitive Jews who desire to live by halakhah. The Bet Din of the Rabbinical Assembly will utilize every resource it can command to find the husband and to induce him to give a *get*. The Conservative *ketubah* includes an agreement signed by both parties in which they commit themselves, in the event of a civil dissolution of their marriage, to complete the process by carrying out the procedures prescribed by Jewish law. But, if this fails, the *Bet Din* will annul the marriage, invoking a procedure well known in the Talmud, *hafkhat kiddushin*, from which rabbis in more recent times have shied away. This

innovation has not only proven a boon to many women; it has removed a moral embarrassment from Jewish life. Indeed, the entire status of the woman in Jewish religious life is now under review in Conservative circles, by halakhic authorities and in its constituent synagogues. While different solutions are being adopted to deal with a grievous problem, there is no question that a new religious lifestyle is emerging, which is morally more sensitive to, and in greater consonance with, modern sensibilities.

But the stress on the historical has been, at times, at the price of the trans-historical. One senses a certain failure in the Conservative movement to stress the ethical and moral dimension of Judaism. Our culture is contaminated with opportunism, in which material gain supersedes all other values, and Jews have often been drawn into the whirlpool of general corruption. From the highest circles in government, business and the professions there comes an ever-recurrent manifestation of the betrayal of integrity and a surrender to the lowest forms of self-seeking. It is in the context of social corruption that the prophets spoke their words of moral admonition, and those occasions are among the noblest in the history of Judaism. One misses a prophetic strain in the preoccupations of contemporary Jewish religious leadership. Instead, the focus falls on sociological aspects of Jewish religious institutions and on the ritualistic aspect of tradition. There is little evidence of a stress on the ethical and moral ideals of our heritage, in order to challenge the waywardness of our society generally, or of the Jewish constituency particularly.

The Conservative stress on the historical has sometimes tended to degenerate to historicism, which sees in the creations of history a passing phenomenology, devoid of transcendent significance. One misses in Conservative writings the perception so aptly expressed by Mircea Eliade that "it is not for its own sake that an event is valued, but only for the sake of the revelation it embodies—a revelation that precedes and transcends it."¹ The preoccupation of Conservative Judaism, in its dominant pronouncements, has been with the human role in shaping tradition, not with the divine inspiration which released the initial thrust that engendered the tradition and remains its energizing ferment. The very fact that Conservative Judaism has accepted the principle of tradition and change in the realm of rites has encouraged an ongoing debate as to the propriety of particular changes in ritual, while the transcendent values served by the ritual recede from attention.

The result has been a general neglect of theology. The problems of man in our demonic kind of world, the surfacing of mystical sensibilities seeking anchorage in a transcendent center of life, the challenge of a moral code that bids us emulate God in preserving and perfecting all life, the place of the Jewish people in the economy of divine providence and the implications of this conception for a lifestyle in the face of human

1. *Images and Symbols* (New York: Sheed & Ward, 1952), p. 170.

cynicism and amorality—these are not primary items on the agenda of Conservative Jewish leadership. They are not the focus in the educational content of our Religious Schools or in the discourses delivered from the pulpit. Individuals in the movement have concerned themselves with these problems but they are on the periphery.

Rabbi Kook warned us:

Spiritual service cannot be measured according to the Torahitic knowledge and the educational aspects embodied in it. On the contrary, measured by this yardstick, the spiritual becomes a weak auxiliary to the practical . . . In the end, such values are bound to decline and to sink ever lower, unless a mighty spiritual force should arise to support them according to their original inspiration which lifts all spiritual needs to their full stature.²

This is precisely what has happened. Personal religion has declined in the Conservative Jewish community in favor of the institutional, and the institutional, when unrelated to the divine illumination that inspires it, tends to weaken and atrophy as a center of loyalty.

The predicament faced by Conservative Judaism has its counterpart in the other Jewish religious movements. All of our religious groups, with the notable exception of some elements of Hasidism, have failed to stress the need for openness to the ongoing encounter of God and man. They have failed to stimulate a sensibility to the ongoing infusion of the divine which is ever seeking to uplift man and which, alone, is the source for a deep religious faith. It is this which has sent mystically inclined Jewish souls to seek spiritual havens in cults outside of Judaism.

Conservative Judaism needs to redress this imbalance if it is to meet fully the claims of the original insight that inspired its emergence as a distinctive movement. It needs to evolve an ideological revision so as to stress the trans-historical dimension, no less than the historical one, both of which make up the composite of Jewish identity.

2. "The Road to Renewal," *Tradition*, 13, no. 3:152.

THE VIEW FROM THE RIGHT

A Critique and a Plea

JOSEPH H. LOOKSTEIN

I AM AN ORTHODOX RABBI. MY EDUCATION, from childhood on, was received in a traditional yeshivah. My advanced Talmudic studies and my training for the rabbinate were obtained at the Rabbi Isaac Elchanan Theological Seminary which ultimately became Yeshiva University. I was awarded the traditional *s'mikhah*, or rabbinic ordination, after nine years of intensive study at that institution.

I have been associated for fifty years with one synagogue—the Orthodox Congregation Kehilath Jeshurun. I served as President of the Rabbinical Council of America, the organization of American trained and ordained Orthodox rabbis. For nearly fifty years I have been teaching homiletics and practical rabbinics at Yeshiva University to senior students who were preparing for the Orthodox rabbinate. I am Chancellor of Bar-Ilan University in Israel, an academic institution that is traditional in its religious orientation.

Why this autobiographical prologue? It is not intended as an *apologia*. It is, rather, intended to demonstrate that, in spite of my religious and educational background, I feel qualified to present an unbiased and objective evaluation of Conservative Judaism, a philosophy of Judaism with which I am in fundamental disagreement. Disagreement need not imply disrespect. Nor should it prevent recognition of positive qualities and important contributions. And Conservative Judaism has many of these to its credit.

This essay is written on the occasion of a double celebration—the 90th anniversary of the founding of the Jewish Theological Seminary and the subsequent birth of the United Synagogue of America which marked the beginning of Conservative Judaism in this land. Let me, therefore, by-pass for the moment the anniversary of Conservative Judaism and concern myself with the anniversary of the Seminary. As a matter of historic accuracy we should separate these two events.

The establishment of the Seminary did not coincide with the birth of Conservative Judaism. When the Seminary was first conceived it was intended to be an Orthodox institution. The term “Conservative,” in its

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modern connotation, was not known or used in those days. The first President of the Seminary, the Rev. Sabato Morais, even proposed that it be called "The Orthodox Seminary" and among the early teachers were two distinguished Orthodox rabbis—Dr. Bernard Drachman and Dr. H. Pereira Mendes. Both of these men eventually joined the faculty of Yeshiva University, one as a professor of German literature and the other as professor of homiletics in the Rabbinic School. The writer was one of his students.

In 1902, Professor Solomon Schechter was brought from Cambridge to reorganize and to preside over the young institution. Under his leadership its Orthodox character remained unchanged. The illustrious scholars whom he assembled were traditional in their outlook and meticulously observant in their practice. Professor Louis Ginzberg remained a *yeshivah bahur* in learning and in spirit all his life. And Professor Alexander Marx was a pious Jew of the ultra-Frankfurt variety.

The early students of the Seminary came from Orthodox homes, continued as practicing Orthodox Jews and, in numerous, instances were invited to minister to Orthodox congregations. Even Mordecai M. Kaplan of that day, so the report goes, would not eat a morsel of food on *Sukkot* outside of the *sukkah*.

To this day, the official image of the Seminary cannot be described as "Conservative." Not as long as the world-renowned Professor Saul Lieberman is within its portals, and his able younger colleague, Professor Dimitrowsky, teaches Talmud to eager students. Dr. Louis Finkelstein, prior to becoming President, and then Chancellor, of the Seminary, was a rabbi in the Orthodox Kehilath Israel of the Bronx.

The Seminary, as here described, can, therefore, easily be greeted by an Orthodox rabbi upon its 90th birthday. It has earned the gratitude of all lovers of learning as a *bet vaad l'hakhomim*. It afforded several generations of scholars and students opportunities for study, for research and for teaching.

The Seminary also deserves to be saluted for collecting, maintaining and making available its vast storehouse of books and manuscripts. There is hardly a *talmid hakham* in the United States, and perhaps in the world, who at one time or another has not used the Seminary library with profit. Many a great work would not have seen light but for the veritable treasure of books on the shelves and in the stacks of that institution.

One recalls with horror the smoldering fire that struck the Seminary library but a few years ago. Young students from leading *yeshivot* labored for days with devotion and tenderness to help save the precious literary riches of the past from smoke and flames. The process of retrieval went on under expert supervision and the concern of all lovers of Jewish learning was a manifestation of high tribute to a supreme repository of Jewish scholarship.

Let us now turn to Conservative Judaism. It was not until 1913, twenty-seven years after the Seminary came into being, that a synagogal organization was formed by the Seminary leadership and by its early alumni. The name United Synagogue was given to this body, a name undoubtedly suggested by Dr. Schechter who was familiar with a similar body in England that bore that name. It is not without significance that the English organization after which the American counterpart was patterned was Orthodox in character.

It is equally significant that a proposal to name the new organization, "Union of Conservative Congregations" was rejected. Such a name was considered "too sectarian."¹ Apparently, the founders of the United Synagogue sought to avoid a departure from the traditional synagogue as it existed through the ages. They wanted one that would reflect their economic condition and would be consistent with their social status. They sought to introduce a form of public worship that would be esthetically satisfying and devotionally inspiring. They desired rabbinic leadership that would be congenial to the new generation that was growing up. Perhaps, subconsciously at least, they were impressed by the "class" and status of the Reform Jew and his ultra fashionable Temple.

Yet, they would not accept Reform Judaism, especially the Classical Reform of that day. They were anxious to "conserve" or retain the traditional forms, rituals and observances to which they had been accustomed from childhood. Hence, the name Conservative Judaism—conservative in relation to Reform but traditional in every other way.

This brings me to my first critique of Conservative Judaism. It centers on this very point. Conservative Judaism departed from its original pattern. As time went on the departure went further and further and, judging by present trends, the gap will widen. If these trends continue it will not be long before Conservative Judaism will be indistinguishable from Reform Judaism.

My second critique is that Conservative Judaism has created a gulf between itself and its source of spiritual energy and authority, which is the Seminary. To be sure, every graduate of the institution retains a profound loyalty to his *alma mater* which manifests itself in helping and supporting it financially. But loyalty is made of sterner stuff. Unless loyalty manifests itself in spiritual allegiance; in adherence to lessons learned and principles taught; yes, in obedience to the rulings and directives of the masters at whose feet one sat, then loyalty becomes a form of sentimental attachment or simply emotional reverence.

I need not remind my Conservative colleagues what is *kavod* for a teacher and how the Talmud cautions us against "pronouncing judgment in the presence of one's teacher." A hundred halakah committees cannot overrule one Professor Saul Lieberman! Jewish law is not decided by the

¹Abraham J. Karp, *A History of the United Synagogue of America, 1913–1963* (New York: United Synagogue of America, 1964), p. 9.

raising of hands at a rabbinic convention. Modification and interpretation of Jewish law are vested with acknowledged authorities. These authorities, for the Orthodox rabbi, are in the yeshivah which trained him, and, for the Conservative rabbi it is, and should be, his Seminary.

Why do I, an Orthodox rabbi, presume to speak these words to my brothers in the Conservative rabbinate? Well, first, because I regard them as my brothers and I am, therefore, concerned for their welfare. Second, because the Bible counsels us “to reprove a friend”—which I interpret to mean to administer reproof but to remain a friend. Third, because I have been asked to give an evaluation of Conservative Judaism “from without,” and I am, therefore, within the purview of my assignment.

But there is a reason which overrides them all. That is that it is good for the American Jewish community to stress institutional authority in religious life. Reform has just sprouted a rabbinic sub-organization; Orthodoxy is blessed with a bumper crop of rabbinic bodies; Conservatism has recently given birth to a Reconstructionist rabbinic association. We have long been plagued by what has been called “the organized chaos” of American Jewish life. A proliferation of rabbinic organizations can only add to that chaos. A rabbinic organization and the synagogal body attached to it should have a base, an anchor that will prevent drifting and that will keep it at least within sight of its moorings.

On this important milestone of Conservative Judaism a friend and well-wisher would offer this counsel. It is from the Prophet Isaiah. “Listen to me, all who seek to be righteous, and who long for the Lord; look to the rock from which you were hewn, and to the quarry from which you were dug. . . .” *V’hamevin yavin*, and he who understands will understand.

If Conservative Judaism has struck out on a course of its own, independent of the philosophy and policy of the Seminary, then it behooves it to make a *heshbon ha-nefesh* upon reaching its present milestone. Here are some questions that it ought to put to itself.

Is a parking lot attached to a synagogue an essential *davar she’bikdushah* because it accommodates those who ride to *shul* on the Sabbath? The permission to ride to synagogue on the Sabbath was first suggested officially by Dr. Mordecai M. Kaplan in his *Judaism As A Civilization*, published in 1934. Unofficially, he spoke of it in the 1920s, approximately fifty years ago. Forgetting *halakhah* for the moment, has this change brought more worshippers to the Conservative synagogue? In this respect we are all in the same boat, my dear Conservative friends. Paraphrasing a well-known verse from the Psalms: If God does not bring Jews to worship, no automobile can.

Another question. Succumbing to the “Women’s Lib” excitement of recent years, the Conservative rabbinate approved the inclusion of women in the required *minyan* for public worship. Well, has it brought women to synagogue services? Has it increased the attendance of men? Again, we are not arguing the wisdom of the new policy or its *halakhic*

validity. We are merely repeating the paraphrased verse of the Psalms: If God does not inspire women to pray, the Equal Rights Amendment will not do so either.

For a time, the late Friday night service became the hall-mark of Conservative Judaism. The argument for the practice was cogent. People, for business reasons, cannot stop work early enough to attend the regular *kabbalat shabbat* service. Besides, many cannot come on Shabbat morning for obvious reasons. Why deprive them entirely of religious devotional experience?

Has it helped? Not even with all the gimmickry of rabbinic ingenuity. B'nai B'rith Sabbaths, Hadassah Sabbaths, wedding anniversary Sabbaths, bride and groom Sabbaths, Mother's and Father's Day Sabbaths—all did not avail. People still stayed away in droves except in a few synagogues, geographically located in warm winter resort areas. Why? Competition was to blame. A well advertised movie was in town; a favorite television program was on. The real reason?—plain disinterest or lack of spiritual motivation. The Friday night late service is disappearing, a casualty of religious indifference which no artificiality could keep alive.

Shall we criticize Conservative Judaism for trying? On the contrary. Commendation is in order for resorting to, and experimenting with, all devices to keep Judaism alive. But there is a rabbinic adage which must be remembered: "The intentions may be commendable, but the actions are not." Judaism cannot be kept alive by artificial stimulation or by mouth-to-mouth resuscitation even if the resuscitating mouth is that of a resourceful rabbi. Judaism lives, strives and survives through one force, and one force alone! Torah! Torah means learning and Torah means observing. There is no alternative for that. This is the happy lesson of Jewish history. "... Let us rejoice in the words of your Torah and in your commandments forever; for they are our life and the length of our days. ..."

It is gratifying to note that Conservative Judaism is beginning to recognize the centrality of Torah as the most potent force in Jewish life. Moreover, there are encouraging signs of action in the light of that recognition. There was a time when Conservative rabbis were pre-occupied exclusively with Sunday Schools. They were, in principle, unsympathetic to *yeshivot* or day-schools as segregationist institutions, as inconsistent with the spirit of American democracy. This is, happily, no longer the case.

Recent surveys indicate that 63% of the children of Conservative institutions attend two-day-a-week schools and 58% are in three-day-a-week schools. In many cases there are additional days of schooling. Since 1950, Conservative Judaism has begun to organize day-schools either as synagogue-sponsored institutions or as community enterprises. Many Conservative rabbis who seek a maximum Jewish education for their own children send them to existing day-schools that are Orthodox in their

orientation. This return to Torah and Jewish learning will, it is hoped, lead to a rededication to *mizvot*. It has ever been so. "Enlighten our eyes in your Torah and let our hearts cleave to your commandments." Torah and *mizvot* are inseparable.

On this important anniversary of Conservative Judaism I greet my Conservative brethren as "one from without" with a wish and a prayer. The prayer is from the Prophet Zechariah: "... Return unto me, so that I may return unto you. ..." In the broader sense, this implies a return to the hearth of tradition. My wish, therefore, is that the prayer may be heeded. "*Ko Le-hoi!*"

Conservatism and the Orthodox Resurgence

SHLOMO RISKIN

DURING THE PAST TWELVE YEARS THAT I have served as rabbi in mid-Manhattan, a significant change seems to have taken place within the Conservative movement or, at least, in the manner in which the movement regards itself and how it is perceived by others. From my perspective as a student in the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University, it seemed as though the Conservative movement was to be the major Jewish religious force on the American scene. Throughout suburbia new Conservative Centers were mushrooming, generally relegating the Orthodox *shul* to a small number of old men too poor to leave the run-down urban center; USY directed a youth movement, Ramah conducted summer camps virtually without competition, and the Solomon Schechter Day Schools promised to be the intensive educational vehicle of the future.

What has occurred, instead, is an unexpected resurgence of a vital Orthodoxy, which appears to be holding the keys for the future survival of Judaism. To be sure, there is, at the same time, massive ignorance of, and apathy towards, the Jewish tradition on the part of the largest segment of American Jewry. Our students on college campuses are intermar-

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rying at the rate of 49%, and the consumption of kosher meat has dropped precipitously during the last decade. Nevertheless, Torah Umesorah has spawned a proliferation of Day Schools in every major Jewish population center, Lakewood and Lubavitch have inspired the establishment of many Yeshiva High Schools, *batei medresh* and *kollelim*, Yeshiva University's Albert Einstein College of Medicine boasts of a daily minyan Torah *shiurim*, the Orthodox Union disseminates *glatt kashrut* on our airlines and the influence of the National Conference of Synagogue Youth and the *baalei t'shuvah* yeshivot have inspired many *mehizah* synagogues, sometimes even as the youth minyan in a separate room of a Conservative synagogue. Indeed, it is precisely between the horns of these polarized phenomena that the Conservative movement faces its dilemma. The synagogue building boom has all but disappeared—our youth create *shtiblakh* and *havurot*—, the Solomon Schechter Schools are generally considered a watered-down compromise to their Orthodox counter-part, and the movement sees its successes entering Orthodoxy while its failures wander into assimilation. Even Marshall Sklare, the sociologist-author who wrote a definitive study of Conservative Judaism, described the crises of confidence within the Conservative camp, in a recent *Midstream* article, in terms reminiscent of the cliché that “the operation was successful but the patient died.” What has actually occurred? How can we best understand what appears to be the “identity crisis” of the Conservative movement?

In a recent *Commentary* article entitled “The Dilemma of Conservative Judaism,” Lawrence Kaplan suggests that its “tradition and change” ideology has been split into two antagonistic camps: the “tradition” group, which would be most comfortable within Modern Orthodoxy (David Feldman and the Talmud faculty of the Jewish Theological Seminary), and the “change” group, which is virtually identifiable with Reform. In essence, argues Kaplan, the movement has yet to decide whether its future will be determined by contemporary societal values or by time-honored halakhic absolutes, for it is on this issue that it is now divided.

I believe that there is another element which must be understood in evaluating the present condition of the Conservative movement. The success of any movement must be determined, in large measure, by the committed Jewish community for which it speaks, just as every leader must ultimately be judged by the quality of the students-disciples whom he directs. There can be no king without a nation, no *rebbe* without *hasidim*. Especially in the absence of a central Sanhedrin or even a religio-political ruler, the normative in Judaism has been determined, to a great extent, by what was accepted by the committed Jewish community. Within the Talmud one frequently finds the phrase: “Go out and see how the nation is behaving,” and rabbinic authority had to accept the final veto of the observant community with the dictum: “No decree may be instituted for the community unless the majority of the community will abide by it.”

The responsa literature throughout the ages bears eloquent testimony to the need of each generation to interpret halakhah in accordance with the specific exigencies of the hour; nevertheless, these responsa were written for, and accepted by, individuals and communities who understood the authority of a tradition larger than themselves, and were ready to abide by the decision, whether stringent or lenient. The halakhic authorities of each generation profoundly understood that, whatever their conclusion, they could not leave the mainstream of observant Jews behind if they wished to be a link in the great chain of Jewish being. Those who study the *Shulhan Arukh*, a guide for Jewish living written during the sixteenth century and quoted and commented upon until this very day, will recognize that it is more descriptive than prescriptive, that it is truly authoritative because it expresses the manner in which the observant Jewish community lived and, in many communities, still lives. There can be no meaningful Jewish ideology within our traditional framework unless it speaks for an observant Jewish community which lives by its precepts.

In many respects, the Orthodox Jewish community owes a great deal to the Conservative movement. It taught the importance of interpreting Judaism while utilizing the contemporary idiom, and it established the synagogue as being more than a place of prayer alone. The summer camp as a vehicle for Jewish education and the intense *havrusah* experience as a substitute for the large, sterile congregation are all ideas which emanated from the Conservative movement. Its chief failure, however, lies in its inability to create Jewish communities which are committed to Jewish tradition in accordance with the Conservative ideology, or of Jewish masses who see Conservatism as being more than compromise between Orthodoxy and Reform. In the main, the phrase "I belong to a Conservative synagogue" becomes a ready excuse for religious inconsistencies, and has come to temper religious commitment with the pragmatic realities of American culture. Perhaps the problem is rooted in the lack of clear ideology which will define the movement and help its adherents to define themselves vis-à-vis our tradition. Unless this definition is forthcoming, it will be difficult for the movement to retain its most idealistic and sensitive youth.

Amicus Platoni, Amicior Veritati

DAVID S. SHAPIRO

CONSERVATIVE JUDAISM IS NOW MARKING the 90th anniversary of the founding of the Jewish Theological Seminary, appropriately referred to as the fountainhead of Conservative Judaism. An evaluation of Conservative Judaism from without is in place at this time, perhaps more so than at any other. The present review is not the product of the writer's thorough research on the subject, but is obviously based on his limited experience from a distant vantage-point, and, of course, is subject to correction if in error.

The Jewish Theological Seminary was initially established as an Orthodox institution whose purpose was to train rabbis who would competently and intelligently present traditional Judaism to American Jews, whose language was no longer Yiddish, a great many of them having been born and educated in this country. Reform Judaism was striving vigorously to become the dominant religious movement in American Jewry and it appeared to be eminently successful. This tide had to be stemmed. The Jewish Theological Seminary was one of the few notable institutions which had undertaken this task of combating the assimilatory tendencies of Reform and its radical efforts to deprive Judaism of its unique historic character. The Seminary succeeded in producing many rabbis, teachers, scholars, leaders, and laymen who served the American Jewish community with dignity and distinction. A number of the graduates of the Seminary had also received previous rabbinic training in *yeshivot* in Europe and America and possessed a significant fund of Talmudic learning. Through the influence of the many rabbis, teachers, and scholars trained in the Seminary, as well as in other traditional institutions, the Reform tide began to recede. It should be noted that a considerable number of the Seminary faculty and alumni were actually strictly Orthodox rabbis and served Orthodox congregations, and some also taught in Orthodox *yeshivot*.

While some of the instructors at the Seminary may not have held views that were fully in consonance with those of traditional Orthodoxy, this fact did not, on the whole, alter the general atmosphere of loyalty to tradition in Conservative Judaism. It was primarily due to the influence of Professor Mordecai Kaplan, I believe, that a radical change in the Conservative movement took place and, as a result, a right-angled turn was taken by the graduates of the Seminary, so that Conservative Judaism as we now

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know it has emerged. The efforts of Professor Lieberman and the late Professor Heschel have not, to my knowledge, succeeded in radically altering the trend, even though the movement initiated by Professor Kaplan has not assumed the paramount place within Conservative Judaism.

Since the new orientation within the Conservative movement has become pre-eminent, the time-honored and unique principles of Judaism, *shemirat ha'mizvot* (including *dikduk be-mizvot* and *hiddur mizvot*) as well as *talmud Torah* (in the sense of the study of *Torah she-bi-ketav* and *she-b'-al-peh*) have acquired a secondary status. Conservative Judaism is no longer deeply interested in raising generations loyal to specific Jewish practices and observances outside the synagogue, except for *kashrut* in the home (with leniency on the outside) and a Sabbath table. Its influence at present is primarily in the direction of achieving a *general* commitment to Jewish faith and practice. Where families have come from traditional homes, followers of the Conservative movement maintain Jewish observances to a greater or lesser degree. Where they do not come from such a background, the influence of the movement on its followers with respect to Jewish observances is minimal, to the extent that this writer has been able to observe. Religiously, Conservatism is primarily synagogue-oriented, with emphasis on late Friday evening services and the rabbi's sermon. The commitment of Conservative Jews at the present time, which in practice may vary from one end of the spectrum to the other, is more in the direction of Jewish peoplehood and concern for the State of Israel. They are all strongly Zionist and favor *aliyah* to Israel as an important Jewish obligation. The credit for this attitude certainly belongs to the Conservative school of thought.

That the Conservative movement, as such, is not profoundly committed to the discipline of observance is evident in the attitude of its rabbinate. Conservative rabbis, as a rule (with notable exceptions), can hardly be thought of as deeply observant, a number of them even refusing to attend daily services in the synagogue, some claiming that it is not in their contract. The same is true of the study of Torah as a religious discipline (though here the general character of the rabbinate in America is to blame to a great extent; it leaves little time for the rabbi to engage in study). While this writer is not too strongly impressed with ostentatious religiosity, he finds it hard to see evidence of a profound commitment and depth of devotion to *shemirat ha-mizvot* in the Conservative rabbinate. One would have to assume that, as a whole, this rabbinate is primarily concerned with the preservation of Jewish "peoplehood" and its basic religious values and what it regards as *significant* practices. Observance assumes importance not as a religious discipline, but to the extent that it serves the interests of Jewish peoplehood or is "meaningful" to "modern man." This evaluation does not necessarily imply that all is well with the Orthodox rabbinate and that all Orthodox rabbis are models of piety and dedication, any more than that Orthodox Jews (a large number, so-called) or communities are

free of blemishes. Plenty of criticism is due in that sphere. Nevertheless, I believe that there is a general difference in outlook and orientation. It is the personal relationship of Conservative rabbis to *shemirat mizvot* and *talmud Torah* which makes questionable the present claim that the movement is based upon, and is loyal to, the halakhah.

Conservative Judaism has, to my mind, made an egregious error in establishing itself as a separatist movement and building a "high place" for itself. This fact constitutes what is, perhaps, its greatest blunder and is primarily responsible for its ambivalent attitude towards religious observance, as well as its other departures. The movement should never have left the mainstream of Judaism. Had it remained within it, it would have checked itself and been kept from meandering. The rift was created by giving itself a new name which, as Conservatism is now taught and practiced, is misleading. Conservatism has, thereby, brought itself dangerously close to an alliance with Reform Judaism, against which it had originally taken up the cudgels, even though the latter seems to be moving in the direction of its ancestral moorings. Jewish history has proved that those movements that strayed from the mainstream of historical Judaism, which is based on the belief in God and the Torah in its totality, and set themselves apart, have fallen by the wayside. While historical analogies are not always pertinent, we believe that our future, guaranteed by divine Providence, cannot fail to follow its historically confirmed pattern.

Judaism in the past, as well as at present, has been able to tolerate within itself many divergent and even conflicting views, as long as essentials were not touched. There is a place within it for Yeshiva Orthodoxy of the Eastern European type, for Lubavitch, for Satmar, for *Torah im derekh erez* Orthodoxy of the Samson Raphael Hirsch school. It has place for *Gush Emunim* and the *Kibbutz Ha-Dati*, for Mizrachi, Agudah and Neturei Karta Hasidim and Mitnagdim, *Nusah Ashkenaz*, *Sfard*, *Ari*, and others. What now goes under the name of Conservative Judaism should have remained part of catholic Israel as taught by Professor Schechter. By selling itself as a separatist movement it loosened the bond that united it with classical Judaism. It was thus enabled to give birth to the Reconstructionist movement which, while not totally humanistic, negates the essential principles of the historical Jewish faith.

The Conservative movement has had among the leading members of its faculty at the Jewish Theological Seminary scholars of world-renown, a great many of whom are essentially Jews totally committed to Judaism in the full sense of the word. Within the confines of historic Judaism there could have been a place for a branch of Jews devoted to our historic faith with all of its principles and ramifications, and yet seeking movement and drive towards new goals, constantly prodding, demanding, and seeking to rectify that which could be changed within the confines of the historical halakhah. While it might not always have been successful in its endeavors, the leadership of such men within its ranks as Professors Lieberman,

Halivni, Sofer, Dimitrovsky, Abramson, the late Professor Heschel and others, could have kept the movement within the periphery of historic Judaism and, thereby, contributed to the development and progress of Judaism. By setting itself apart and becoming, in the eyes of traditional Judaism, a heterodoxical movement, it has lost its capacity of influencing the growth of Judaism from within.

The ideological grounds which have become predominant factors within the movement are Biblical criticism and the concept of an evolutionary process in the development of Jewish law. There is an unfortunate tendency among Conservative thinkers to accept the conclusions of Biblical criticism as substantially validated. This is hardly so, and I believe that it is a major error of this school of thought to establish its foundation on so flimsy a ground. Classical Judaism is based on the concept of revelation at Sinai and regardless how one interprets the emergence of the Covenant at Sinai and its revelational aspects, religious Judaism without Sinai is devoid of any firm foundation. It becomes, more or less, a human enterprise. As for the evolutionary aspects of Oral Law, no one will deny that there have been changes within Jewish law throughout the ages, but changes based on firm principles. To assume that the rabbis of old made changes on their own in what they accepted as divine law is incredible. They could have made changes only on the basis of what they regarded as authentic traditions handed down from ancient times. For any school to undertake to bring about basic changes on its own is extremely hazardous. Such changes may occasionally help to solve individual problems, but, in the long run, they contribute to disunity and rifts within the Jewish family and fold. Are there genuine halakhic grounds for permitting driving to the synagogue on the Sabbath, for allowing a *kohen* to marry a divorcee, for accepting converts without full commitment to all of the *mizvot*?

The critical or scientific study of Talmud, while not *necessarily* always achieving incontrovertible results, need not in any way affect the general practice and observance of Judaism which is based on the affirmation of the historic Jewish people through the guidance of its supreme sages. It is, after all, the monumental figures of Jewish life, whose learning, devotion, and saintliness determine the rights and wrongs of Jewish observance. No other religious movement in Judaism can match the towering figures in Jewry of classical Judaism such as those of the last century, among whom we need only mention Rabbi Isaac Elchanan Spector of Kovno, Rabbi Abraham Isaac Kook of Jerusalem, the *Or Sameah*, the *Zofnat Paneah*, the Ostrovtzer Rebbe, Rabbi Chaim Ozer Grodzenski of Vilna, the *Hafez Hayyim*, and a host of others. While we are not blind worshippers of men, it is ultimately the great personalities on whom we focus our attention to guide us in the direction that leads to the God-like life. The Conservative movement, which counts among its leaders some of the great scholars of our time, has not produced *religious* personalities to match any of the above. The later Professor Heschel was not a product of the Conservative school.

The Conservative movement has acquiesced in certain altered features of synagogue service; not only acquiesced, but even encouraged. The question is to what extent have these changes and innovations, undoubtedly initiated with good intentions, helped the survival of Judaism, enriched it, and encouraged deeper commitment? I do not think that one can state that mixed seating in synagogues, conceived originally by American Reform in imitation of Christian churches, has helped increase attendance, either on the week-days or the Sabbath (even though it has increased membership), except for special occasions such as a Bar or Bas Mizvah. The attendance on Sabbath morning in Conservative synagogues is very discouraging. The most that has been achieved is the rise of the clamor within Orthodox synagogues that family pews be introduced; under the fallacious assumption that this innovation will attract larger membership as well as better attendance. The problem of the status of women in the synagogue requires deep thought and consideration. But, unfortunately, while innovations, based on what goes for equality, have succeeded in creating much fanfare, they cannot be said to have had very positive results in bringing back the alienated.

While Orthodox Judaism, with all of its weaknesses and unsolved problems, has succeeded in establishing an outstanding system of Jewish education ranging from day schools through *yeshivot* and *kollelim*, attracting thousands of students in Israel, America, Europe, England, and France, the achievements of Conservative Judaism in this field can hardly begin to approximate them. While the former has an excellent Rabbinical school, Teacher's Seminary, and also adult programs of a fine caliber in New York and Los Angeles, it is far behind in its general educational activities, in spite of the excellence of its Camp Ramah program.

It is to be noted that a great number of young people at the present time who are seeking more positive identification with historic Judaism seek it in areas where observance and piety play a greater role. Such intellectual and charismatic figures within Orthodox Judaism as the Lubavitcher Rebbe, Rabbi Moses Feinstein, Rabbi Isaac Hutner, or Rabbi Soloveitchik, who have captured so many of our youth, have, at present, no counterparts within the Conservative movement. Professor Heschel and (*yibadel le'hayyim*) Professor Kaplan may have been figures of this caliber but it cannot be said that their influence in any way compares to that of the other personalities just mentioned.

Conservative Judaism, which is basically a positive movement with a great deal of achievement to its credit, must, instead of opening its windows in the direction of Reform, turn its direction back towards the traditional Judaism where it originally belonged. There is such a trend at present within the Conservative movement. This trend must be encouraged and strengthened. It is to be hoped that some day all of our labels, Orthodox, Conservative, and Reform, will be dropped and we will all be united in one band to perform the will of our Creator with a perfect heart.

THE VIEW FROM THE LEFT

Inherent Contradictions in Conservatism

IRA EISENSTEIN

I USED TO BE A CONSERVATIVE JEW. I AM one no longer. Perhaps that is an overstatement, for I continue to maintain my membership in the Rabbinical Assembly. But, to all intents and purposes, I have withdrawn from the “movement,” after more than thirty years of active participation. I was graduated from the Jewish Theological Seminary; both synagogues which I served between 1931 and 1959 belonged to the United Synagogue; and, until Reconstructionism became a movement, I allowed myself to be identified as a member of the “left wing” of the Rabbinical Assembly. It was a misnomer at the time—but let that stand. Today I am an “outsider” and it is as such that I was invited to share in this symposium on Conservative Judaism by the distinguished editor of this journal.

If it took me so many years to decide upon withdrawing, it was because Conservatism has many virtues; its strengths are not to be minimized. The emphasis upon Zionism (and later Israel); the recognition of the importance of the Hebrew language; the reverential approach to the Tradition; the high level of scholarship represented in the Faculty of the JTS and among its graduates; the promise inherent in Schechter's notion of “catholic Israel”; and, perhaps most of all, the association of Mordecai Kaplan with Conservatism instilled in me a deep respect and demanded that long deliberation precede any fundamental break with the institutions of the movement.

I believed in the declared purposes of “conserving” the Tradition, and in the seriousness with which Conservative leaders went about making Judaism once again dynamic. If Orthodoxy's image was that of rigidity, Conservative's image was that of adaptation and change. Conservatism satisfied—for a while, and partially—my hunger for continuity, and my zeal for necessary changes.

But I was disappointed. Throughout the years of my association, I was torn; my psyche was in constant conflict. I felt almost schizoid. The reasons should become clear as this essay proceeds, but I pause only to apologize for the personal approach to the problem. There is, for me, no other way to describe Conservatism and evaluate it, except through my

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experience of having attempted, long and patiently, to reconcile myself to the contradictions inherent in it.

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Perhaps the key to my disappointment lay in the unfulfilled promises of Schechter's writings. It was he who led me to believe that Judaism was, indeed, an evolving phenomenon; that each generation of Jews defined Judaism in terms of its age and the cultural environment in which it operated. After all, the Judaism of the Bible was dramatically different from that of the Rabbis—and so on. It is not necessary to belabor the point. But when I looked about and saw how radically the Jews of the 20th century in the western world differed from their forebears, in their perception of the cosmos, in their cultural and political condition, in their identification with the life about them, I could not help but hope that the Judaism of my generation, and that of my children, would take full cognizance of these changes and act accordingly.

Instead, I was offered the possibility of change on highly restricted terms. Conservative Judaism was either too timid or too shortsighted to make fundamental changes. It demanded that the *process* by which adaptation was to take place must itself be sanctioned by the Tradition. That is to say, the method of interpretation, by recognized authorities, with adequate approval—explicit or implicit in the Oral Law—was the only way to modify the halakhah. Conservative rhetoricians have always been fond of comparing the Torah to the American Constitution; the Supreme Court decides what is constitutional and what is not. But they carefully avoid pointing out that the Constitution, unlike the Torah, is subject to amendment, and that a branch of government known as the Legislature is constantly functioning.

Throughout the years when the poor *agunah* was waiting in anguish for relief, the RA and the Faculty of the JTS continued to seek sanction for some loophole in the law by which her suffering might be alleviated. And when the “new” *ketubah* was finally issued (and described by one of the scholarly leaders as historic, in a class with Hillel's *prozbul*), I could detect more zeal for the halakhah than for the *agunah*. Indeed, what was most disconcerting was that the rabbis were assured that the Orthodox would not be able to find a flaw in this resolution of the problem.

It was at that time that I asked one of my distinguished teachers why we could not cut the Gordian knot, and legislate something akin to the Enoch Arden law. I was told that the Torah forbade it. I took my professional life in my hands and asked why we could not amend the Torah. I will let the reader supply the answer that I was given.

It happens that I am a dyed-in-the-wool American, besides being a Jew; and my whole education (secular, of course) had led me to believe that law was intended to reflect the consensus of the people; that it was

enacted by representatives on the theory that people must be governed only by their own consent. I could not believe that Judaism's conception of law was of a lesser kind. I knew my congregants, and the general run of American Jews, and I sensed that they, too, were imbued with the democratic faith. Hence, the schizoid character of my life as a Conservative Jew.

I confess that the argument against legislating for Judaism through elected representatives made sense so long as the Torah was truly believed to be divine. But I was at the same time aware of the historical studies brilliantly executed by my professors, which clearly indicated that the Sacred Writings were the result of combining many sources, the final consequence of many redactions. All of this seemed to convey the message that the Written and the Oral Law were clearly the products of human endeavor—extraordinary, to be sure, unique, unprecedented, to be sure, but “divine” only in a tenuous and, perhaps, metaphorical sense.

And if one took a closer look at the phenomenon of Jewish life, one saw at once that the “authority” of the Torah and the Tradition was honored more in the breach than in the observance. I saw the rabbis driven farther and farther into either hypocrisy or evasion. The RA had its Committee on Jewish Law (and Standards, added later). But the Committee was no help, for the RA placed upon the shoulders of the rabbi the dubious honor of being the *mara d'atra*. In plain language, this meant that when the Committee split (as it invariably did, by virtue of its very constituency), the rabbi was “free” to follow the majority or the minority. For me this was not law, nor did the Committee provide leadership.

I was frequently weighed down by the unhappy thought that the rabbis, if left to their own devices (and if the laity were permitted to speak out openly), would demand more radical measures. But, in the Conservative movement, scholarship was king—and not just scholarship but expertise in halakhah. (*Aggadah* and history, for instance, were often described by those who taught those subjects, as “minors.”) Consciously or otherwise, the scholars overawed the rabbis and the laity; the scholars had little respect for the rabbinate as a learned profession, and the laity—what did they know, anyhow? As a result, the JTS had the best of both worlds: it was the “fountain head” of the movement, when that suited its purpose and it was an independent, academic institution when that was most convenient. No one was going to tell the faculty how to run an academic institution.

The schizoid condition extended to ritual matters. Students at the JTS were expected to pledge their adherence to *kashrut*, *Shabbat*, and daily prayers. Obviously, the faculty could not be expected to do less. Yet, when certain scholars who were not observant Jews were engaged to teach, an interesting distinction was introduced between real faculty and adjunct faculty. (Martin Buber, for instance, who was married to a Christian, was warmly embraced—as an adjunct.) Yet, if a student were discovered making a telephone call on *Shabbat* he was liable to severe reprimand, or worse.

Once, when a conscientious layman asked a Conservative rabbi whether it was not inappropriate for him to accept the presidency of a congregation because he was not kosher, and violated the *Shabbat*, he was told: "Who asked you?"

But the facade had to be maintained, because the overriding concern was ever to impress upon the Orthodox that the Conservatives were just as *frum* as they. Recently, for example, the question arose (once again), whether Conservative rabbis in Israel should not be permitted to function as rabbis, inasmuch as they followed the halakhah to the last jot and tittle. At this writing they have not been given that right. But they are indignant because they consider themselves as qualified as the Orthodox.

What disappointed me (though no longer a Conservative) was that, instead of fighting for a change in the law, they persist in presenting themselves to the Jewish world as staunch adherents of the law. In Israel they seek to disassociate themselves from the Progressives in order to protect their credentials while, in the USA, they pride themselves on their close relationship with the CCAR.

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When we turn to more theoretical questions, theological and ideological, we fare no better. Are the Jews a chosen people? Yes—and no. Does the Jewish people have a covenant with the God of Abraham, Isaac and Jacob? Well, yes and no. Is reward and punishment a central teaching? Yes and no. Do Conservatives believe in *ha-olam ha-ba*? Yes and no. Do they believe in the Messiah of the House of David, who will come to redeem Israel from exile? Yes and no. Is the Torah revealed? (See above). Should Conservative Jews believe in God as a Supernatural Being? Well . .

A careful reading of the liturgical works issued by the Conservative movement generates serious educational dilemmas. The young people of the last quarter of the 20th century are confused; their roots are shallow; they are swept from day to day by the latest winds of fad and fashion—whether by the Jesus freaks or the Moonies. They are hungry for knowledge, but they do not get clear answers to their questions. They want guidance, and the *mara d'atra* cannot speak with authority. For lack of deep conviction and consistency and principle in their congregations, they are turning (the lucky ones) either to Hasidism or to Reconstructionism. In the one house they are offered the warmth and reassurance of certainty; in the other, the bracing challenge of intellectual adventure.

And I write these words with sadness, because I had hoped that the kind of synagogue in which I was brought up, and the Alma Mater in which I was trained to be a rabbi, would sustain me, and those I was charged with leading, in a faith, a way of life which could withstand the most careful scrutiny. I had hoped that I would be whole and at one with

myself; that I would not have to double-talk, and squirm, and apologize, and equivocate.

No one will deny that tens of thousands of American Jews manage somehow to find fulfillment in their Conservative affiliation, but I submit that what they are enjoying is the companionship of Jews like themselves, who are not troubled by ideologies, who love their rabbis and who experience a deep loyalty to the *institutions* of Conservative Judaism.

But I must add that, in my brief experience outside of the movement, I have perceived that when new congregations are formed, when Jews of a variety of backgrounds come together to organize for themselves and for their families, they look to Conservative Judaism in vain for the kind of direction and clarity, the kind of sophistication and intellectual challenge for which their college and university training gave them a profound yearning.

Sometimes I wonder what would have happened if Solomon Schechter had lived. Would his brilliance, his insights, his understanding of the true meaning of catholic Israel have impelled him to establish a clear distinction between Conservatism and Orthodoxy; would the logic of his researches have forced him to bring Judaism into the 20th century with boldness, with faith in the resiliency of Jews' historic civilization?

An Affectionate Letter to my Conservative Colleagues

ROLAND B. GITTELSON

IT WOULD BE FOOLISH TO PRETEND that a critique of Conservative Judaism from outside the movement itself could be more completely objective than a view from within. Each observer must be tainted, to some extent, by his own special interest, in the one case to defend that which is precious to him, in the other, by implication at least, to make his own preference seem more attractive. With this danger clearly acknowledged, let me try to be as fair and unbiased as possible.

In two respects the Conservative movement has made appreciable contributions to Reform Judaism. In the first and most elementary sense, it has enlarged the base of Jewish dissent, of those who are convinced that, if Jewish tradition is to survive, it must be adapted to modern circum-

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stances. Without the albeit reluctant acceptance of this principle by Conservatism, Reform might have become—like Karaism—a tiny, insignificant splinter group of little lasting consequence.

Beyond this numerical dimension, Conservative Judaism has helped save Reform from its own extremism, hastening its acceptance of Zionism, its return to ritual and its recognition of Jewish peoplehood. It may be that Reform Judaism would have corrected its early extremist mistakes in any event, but the urgings of the Conservative movement have, at the very least, hastened the process.

Has there been a similar effect of Conservatism on Orthodox Judaism? Only to a much more limited degree. While I cannot presume any special competence on this score, I would guess that very few Orthodox Jews have been moved to greater flexibility due to the existence of Conservative Judaism. It may well be, as a matter of fact, that the movement, by posing an apparent additional threat to those who were predisposed against change, made them even more intransigent than they would otherwise have been. From my perspective as a Reform rabbi, however, Conservative Judaism has undoubtedly served as a valuable balance-wheel for *Klal Yisrael*.

Where it has disappointed me is in perceiving itself increasingly during the past three decades as being allied more closely with Orthodoxy than with Reform. This was not always so. In the early years of my rabbinic career there was a much closer rapprochement than there appears to be now between Conservative and Reform rabbis.

Milton Steinberg, *zikhrono livrakha*, divided American religious Jewry into two groups: traditionalists and modernists. He clearly identified both Conservatism and Reform as variants of the second category. That this was more than just idle theory for Milton, is attested by the fact that he once approached me with the novel proposal that I consider joining him at the Park Avenue Synagogue in what would have been the first rabbinical team composed of a Conservative and a Reform rabbi serving the same congregation. Such an idea seems much more ridiculously radical—correction: inconceivable!—today than then.

No one who has been at all close to the center of things can doubt that, in the past thirty years, Conservative Judaism has moved substantially toward the theological right. The beginnings of such a trend first became apparent back in the 1950s when Jay Kaufman, *alav hashalom*, then vice-President of the Union of American Hebrew Congregations, suggested to the leadership of Conservatism that our two movements combine in their overtures to Israel. It was his contention—which I still firmly believe to be valid—that, whatever the legitimate differences between us here on the American scene, in Israel we have common interests and will unquestionably pursue a common direction. By uniting into a cohesive force, we might well have made significant progress against the Religious Establishment. Rabbi Kaufman's initiative was politely but firmly rejected. The

Conservative movement apparently hoped that, by refraining from an alliance with Reform, it could eventually persuade the ultra-traditionalists of Israel to accept its legitimacy.

I am profoundly convinced that this hope is a dangerous delusion. The middle movement in Jewish religious life may be even more anathema to Orthodoxy than is Reform. This is a psychological parallel to the fact that Communists frequently display greater hostility toward Socialists than toward Capitalists. In a paradoxical yet realistic way, Conservative Judaism—perhaps just because of its greater proximity—represents a greater threat to Orthodoxy than does Reform.

A whole series of statements and events attests to the fact that Orthodoxy will not accept Conservatism as an authentic alternative. 1954: the Union of Orthodox Rabbis of the United States and Canada unanimously prohibits Jews from utilizing any Conservative *Bet Din*, charging that the Rabbinical Assembly is “pursuing a course of heresy, contrary to the essential doctrines and fundamental principles of our Torah and faith.”¹ In the same year, the National Council of Young Israel accuses Conservatism of doing “irreparable harm to the preservation of Jewish law” and calls upon Orthodox Jews not to attend Conservative synagogues for worship or religious ceremonies.²

1956: at its annual convention, the Rabbinical Alliance of America lumps Conservative and Reform rabbis together, condemning both as “our pseudo-co-religionists.”³ 1961: Israel Miller, then vice-president of the Rabbinical Council of America—by no means the most rigid of Orthodox groups—warns against the development of Conservative and Reform Judaism in Israel because such attempts “will pit groups against each other and sever the religious ties which bind the world Jewish community with its brethren in Israel.”⁴

1973: the decision of the Rabbinical Assembly to count women in the *minyan* moves Rabbi Moshe Sherer, executive president of the Agudat Israel of America, to urge that Orthodox Jewry withdraw from the Synagogue Council of America, lest they be contaminated by association.⁵ 1975: in voting to reinstate its participation in the Synagogue Council, from which it had withdrawn a year earlier, the Board of the Union of Orthodox Jewish Congregations of America unanimously declares this move is not to be misinterpreted as “religious recognition of other branches within Judaism or their spokesmen.” The Union “never has and never will recognize the religious legitimacy or authority of the Reform and Conservative movements.”⁶

1. Jewish Telegraphic Agency (JTA), 29 December, 1954.

2. JTA, 14 September, 1954.

3. JTA, 1 June, 1956.

4. New York Times, 30 July, 1961.

5. JTA, 12 September, 1973.

6. JTA, 5 March, 1975.

1976; a trial-balloon is floated (by whom?), purporting to reveal that the Israeli rabbinate is ready to accept wedding ceremonies at which Conservative rabbis officiated. Immediately, it is punctured by an avalanche of denials by Yitzhak Rafael, Israel's recently deposed Minister of Religion, as well as by several authentic spokesmen of American Orthodoxy.⁷

Still, Conservative Judaism persists, as a wistful suitor, yearning for the acceptance that it has not received and probably never will. The time has come, I believe, for Conservative rabbis to recognize that they have much more in common with their Reform colleagues than with their Orthodox ones. Together, despite all the real differences between them, they belong among the modernists.

Let there be no misunderstanding. What I propose is not a coalescence of our two movements. Especially here in North America there is room and need for both of us, each serving simultaneously as balance and goad for the other. But there is so much to be gained—for Conservative Judaism and for *Klal Yisrael*—by seeing us as variants of one basic approach to contemporary Jewish religion.

We witness today an aggravation of the malaise which has afflicted Conservatism since its beginnings, an almost constitutional inability to discover precisely where it stands vis-à-vis Orthodoxy and Reform. Long ago, Mordecai Kaplan traced this indecisiveness back to the principle enunciated by Zechariah Frankel that

no practice should be considered obsolete because there happen to be a number who do not observe it. The criterion should be the attitude of the community as a whole.

This premise, according to Kaplan,

has proved the greatest stumbling block that Conservatism could have placed in the way of any intelligent solution of the practical problems involved in living as a Jew. It precludes deliberate change of law, and, above all, any legislation which might abrogate laws which have become irredeemably obsolete.

The Rabbinical Assembly's Committee on Law has verified the authenticity of this charge:

We should take proper note of the fact that certain laws are obsolete, e.g., the laws against shaving, because they do not meet with the approval of the people; yet we may not declare them null and void, as they are Scriptural commands.⁹

7. JTA, 31 December, 1976.

8. Mordecai M. Kaplan, *The Greater Judaism in the Making* (New York: The Reconstructionist Press, 1960), p. 376.

9. *Proceedings of the Rabbinical Assembly*, Vol. V, 1933–1938, p. 185.

I submit that this degree of ambivalence goes beyond the bound of permissible paradox. No movement which refuses to nullify any Scriptural command can call itself modernist. Nor can it be labelled totally traditionalist if it concedes even in theory that some laws are obsolete. Despite its protracted attempts, Conservative Judaism simply can't have it both ways. It will never successfully negotiate the straits of Jewish religious decision until it makes up its mind as to ultimate direction. It cannot be wedded simultaneously to both Orthodoxy and Reform, shifting its uneasy balance from moment to moment according to the prevailing wind, rather than making decisions based on deliberate and decisive policy.

It was Emil Fackenheim—was it not?—who defined a Conservative Jew as one who acts like an Orthodox Jew in the synagogue, like a Reform Jew everywhere else. While this makes for a clever quip, it scarcely suffices as policy for a movement. Perhaps that is why I sense an even greater gap between rabbinate and laity in Conservative Judaism than in Orthodoxy or Reform. Surely the average Conservative layman sees himself as a modernist, with far less ambivalence or doubt than is evident in the Rabbinical Assembly.

A final note: I intend these comments to be neither smug nor snide. Not for an instant would I make light of the painful tension between modernity and tradition. We in Reform Judaism suffer from it also, though with less discomfort. There are, after all, only two thoroughly consistent religious positions: that of the rigidly intransigent Jew who will change nothing, and that of the totally "emancipated" Jew who rejects everything.

Any position between these extremes must admit to a degree of inconsistency. For all of its considerable contribution to other movements in the Jewish religious household and to the totality of contemporary Jewish life, Conservative Judaism will be happier within itself and able to offer the rest of us even more if it accepts itself as a variant version of modernity, committed to the truth that tradition can survive in our world only if it changes, and that change must sometimes be both painful and bold.

Forward to the Fundamentals

LEVI A. OLAN

THE EXPERIENCE OF THE JEW IN AMERICA began with a hope for the unity of all American Jews. Isaac Leeser, a traditionalist, called for a "Federated Union," a proposal which Isaac M. Wise, a reformer, strongly supported. The organization of a third "party" came after a serious debate as to whether there should be one. Under the doctrine of *Klal Yisrael* there was hope that the Jewish Theological Seminary would answer the leadership needs of all American Jewry. A neo-Orthodox group, however, found the pace of change advocated by the Seminary too radical and proceeded to organize the Isaac Elchanan Yeshiva in order to perpetuate the Torah tradition unchanged. The pluralism which developed in Jewish religious life in America reflected the pluralism of the new land as William James described it.

Early in its career, the Conservative movement recognized the legitimacy of differences in the *Klal*, all of whose constituents shared a concern for the fate of Jewry in the present age. At the same time, each bore a responsibility for the preservation of Judaism and its transmission into the future. In the debate on the platform for the United Synagogue, Cyrus Adler pleaded against an attack on either Orthodox or Reform Judaism. "Let us state our own opinion as strongly and definitely as we can." That platform affirmed historical continuity as the constitutional principle of the Jewish community, transcending contemporary divergences. The formation, a little more than a decade later, of the Synagogue Council of America bears witness to the ready adaptability by the Conservative leadership to the American ideal of *E Pluribus Unum*.

In the 18th century, as Jews were coming out of the ghetto and entering into the Emancipation and Enlightenment, Moses Mendelssohn advised them to "Comply with the customs and civil constitutions of the countries in which you are transplanted, but at the same time be constant in the faith of your fathers." Joseph Blau suggests that the course of Jewish thought and Jewish institutional development from the time of Mendelssohn to our own days has been a series of commentaries on this sentence. The Reform movement, especially as expressed in the Pittsburgh Platform, seemed to adjust Judaism to the surrounding culture. The neo-Orthodox set out to adjust the Enlightenment to the Jewish tradition. The Conservative movement aimed at answering the needs of those Jews who were not at home in either of these religious programs, who could not disregard the scientific thought and intellectual achieve-

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ments of the Enlightenment, but, at the same time, had a strong desire to conserve the historical religious tradition as faithfully as possible.

The social dimension of the Conservative movement was to make a place for large numbers of upwardly mobile Jews, primarily of Eastern European background, who became part of the middle class, urban—and later suburban—culture while maintaining strong ties with their Jewish tradition. It evolved into a distinctive religious community bearing a positive program for a large segment of American Jews. Orthodox Jews formed its membership, and Reform Jews, like Schiff and Marshall, actively helped create it, even though their own religious needs were met by Temple Emanuel. Conservative Judaism arose on the American scene in response to both a religious and a social need.

In a general sense, each group chose one of the three-fold elements of Judaism for major emphasis. Reform gives priority to God, Conservatism to Israel, and Orthodoxy to Torah. The implication is that Reform Jews were concerned primarily with the theological issues raised by modern culture; Orthodoxy devoted itself to the preservation of rites and practices in the face of secular demands; while Conservative Judaism placed Israel, peoplehood, at the center. With critical reservations, there is enough truth in this division of priorities to warrant consideration. The Conservative movement, particularly under the leadership of Schechter, placed the final authority in matters of law and practice in catholic Israel, the total Jewish community. God and Torah are defined by *Klal Yisrael*, which writes theology and decides halakhah.

Relevant as this view was at the beginning, it has lost its validity in the present hour. To elevate the practices of today's *Klal* to the status of a norm is to emaciate Torah and, for all practical purposes, to write it off. The Rabbinical Assembly soon recognized the inadequacy of catholic Israel as a regulator and authority of halakhah. The special emphasis on peoplehood is particularly relevant to the American scene. A pluralistic society makes room for divergent life styles. In its distrust of ideology and its controlled moderation of religious practices, Conservative Judaism offered the American Jew a viable program for survival. It was the first Jewish religious movement to support Zionism as part of the program of Jewish survival. There were no anti-Zionist Conservative rabbis.

The celebration of ninety years of Conservative Judaism in America reveals at least three major achievements. It sympathetically understood American pluralism and took the leadership in fashioning a Jewish religious community in which a variety of interpretations of the tradition can live together. Then, too, it developed a unique answer to the intellectual questions raised by the Enlightenment for those Jews who were not satisfied by either the Orthodox or the Reform program. Finally, it breathed life into the *Klal Yisrael* view of Jewish history, making room for those Jews who ideologically were alien to Orthodoxy and ethnically uncomfortable in Reform. A hearty Mazel Tov is in order.

The immediate question urging itself upon American Jews is the relevance of the current religious denominations to the conditions of a rapidly changing American culture. It is no secret that Jews do not faithfully observe the rites and ceremonies of Judaism in any of the established groups. It is not an extreme judgment to describe the present status of religious practices as a state of anarchy in the three major communities in Judaism. The Conservative leadership is no more successful with its rule of leniency, than Reform with its motto of "Guidance not Governance," or Orthodoxy with its insistence upon an inflexible *Shulhan Arukh*. The major threat to religion generally, and to Judaism in particular, is an intensification of secularism—the organization of life as if there were no God. A minor threat today, and a strange one it is, comes from a well-publicized revival of religion among a few enthusiasts in both Judaism and Christianity who reject the Enlightenment and yearn for the experiential. Can present-day Judaism, in any of its expressions, satisfy the needs of the modern Jew who is either a secularist or a cultic enthusiast?

Judaism, by its nature, is not theological, although there is theology in Judaism. At critical periods in its history the faith of the Jew was challenged by the surrounding culture. Hellenism, Scholasticism, and the Enlightenment produced Philo, Maimonides, and Mendelssohn. Traditionally, the Jew asks "what" not "why." The challenge today is expressed by a post-liberal culture, induced by a new scientific revolution, which transforms the universe from Newton's mechanism into Whitehead's immaterialism. The technological advances in both the physical and biological sciences confront modern man with moral decisions without precedent. In mid-nineteenth century, the American rabbi, Morris Raphall, held that the two major theological issues for the American Jew were: 1) Do you believe in the coming of the Messiah? 2) Do you believe in the resurrection of the dead? How quaint these seem today!

The primary religious question of modern man is: "Is there really a God?" Yesterday's answers are no longer adequate. They expressed a world before the atom was smashed or the cybernetically controlled machine came into being. Early in the history of the Conservative movement, Alexander Kohut, one of its intellectual mentors wrote:

A religion which cannot bear the light of science, or must first soften the light through all kinds of lenses, is to be classed with the dead. Such a religion could vegetate among the lower classes, lead a sad existence, become sometimes dangerous by fanaticism, but could not exercise a decisive influence upon the development of mankind.

This prophetic warning of over a half century ago must be seriously considered by modern religious believers lest their faith be "classed with the dead."

Once again, it is time for the Jew to ask theological questions. Conser-

vative Judaism generally avoided ideological debates and definitions of basic beliefs. The advantage here outweighed the disadvantage since this approach benefitted from an open society. Milton Steinberg tried to engage the Rabbinical Assembly in the theological ferment which was developing with the collapse of nineteenth century liberalism, but his unfortunate, premature death ended any serious consideration of urgent theological issues resulting from the cultural revolution of our day.

Jewish life today is fast becoming cultic and ethnic. Mordecai M. Kaplan's "Jewish Folkways" have won the day; ethnicity without covenant dominates the Jewish scene in America; it is more "Jewishness" than "Judaism." The failure to render Judaism intelligible in terms of modern culture will reduce it to a cult, totally irrelevant in the real world. The prophets warned against just such a possibility. The rabbis were also alert to the danger and announced the doctrine that one must first accept upon himself the *Ol Malkhut Shamayim* and then shall he faithfully fulfill the halakhah. Contrary to the present day observance dictated by personal taste, the tradition recognized that one must first hear "I am the Lord thy God."

Loyalty to the State of Israel and a sense of tragedy are profound experiences of the modern Jew, but they will not long sustain his will to endure. At some point he will ask "Is the game worth the candle?" The cultic and the ethnic are not enough to support Jewish durability. There is no substitute for religious faith in the Jew's will to survive. Over a long and painful history the Jew has hammered out a profound response to man's quest for the meaning of existence. His experience records the polarities of good and evil, hope and despair, life and death. Man's most urgent need in the present hour is for an ethical program capable of saving humanity from total destruction. Surely, Judaism, the creator and guardian of Ethical Monotheism, has something important to say to Jews and to the world.

Conservative Judaism can no longer avoid the call to examine its historic religious faith, to test and evaluate its relevancy in an age of cultural revolution.

Conservatism—Its Contribution to Judaism

JAKOB J. PETUCHOWSKI

CONSERVATIVE JUDAISM IS NOT EASY TO evaluate, if only because it is such a multifaceted phenomenon. I have attended Conservative services which differed from the Orthodox only in that men and women sat together, and Psalm 145 was read responsively in English. (In addition, let me hasten to add, to having the cantor recite it in Hebrew as well. But more about that later.) Yet, I have also attended Conservative services with organ and choir, in which the liturgy was so curtailed that the Sabbath morning service of the old *Union Prayer Book* actually contained more “traditional” liturgical material than was used in those Conservative services. Again, I have met Conservative rabbis whose theology was even more “right wing” than the theology of some modern Orthodox rabbis I know; and I have also conversed with Conservative rabbis whose theology was far to the “left” of my own. Some Conservative lay people of my acquaintance adhere to a regimen of religious observance (or, rather, *lack* of observance) which is indistinguishable from that of the run-of-the-mill Reform Jew.

The difficulty of definition may be highlighted by an instance of personal experience. An Orthodox synagogue was ready for a change, and offered its pulpit to me, a graduate of the Hebrew Union College. A consensus was soon reached that an Orthodox synagogue with a Reform rabbi must be “Conservative.” So far, so good. The synagogue’s kitchen was, of course, to be *kasher*. But how *kasher*? Opinions differed. “Rabbi, the kitchen must be strictly *kasher*. After all, we are not Reform. We are Conservative!” “Rabbi, we don’t have to be that meticulous about *kashrut*. After all, we are not Orthodox. We are Conservative!”

This excursion into religious semantics has not been undertaken in any spirit of polemics or triumphalism. Today it has become just as difficult to define Reform Judaism, which tries to be all things to all people—and now offers *kipphah* and *tallit* as well as intermarriage, Zionist enthusiasm as well as support of “affirmative action” discrimination against Jews, and a theological smörgasbord ranging from Rosenzweigian Covenant Theology through unabashed repudiation of theistic religion. And it has been discovered that even Orthodox Judaism is not nearly as monolithic a structure as, at one time, both its protagonists and its antagonists thought it to be.

Under the circumstances, the present writer no longer finds it par-

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ticularly helpful to discuss Jewish life and thought in “denominational” terms. Those terms were, no doubt, of greater significance two or three generations ago. Today, their chief function seems to be the bolstering of vested institutional interests. (And this, *nota bene*, is not meant to suggest that Judaism could get along without any institutions.)

Moreover, history has a knack for playing tricks on us as well. Take Zechariah Frankel, Schechter’s precursor in the founding of Conservative Judaism. Frankel stalked out of the 1845 Rabbinical Conference in Frankfort because a majority of the participants had voted that there was no “objective necessity” to have Hebrew in the Jewish worship service. One hundred and thirty years later, American Reform Judaism published a new prayerbook, *Gates of Prayer*, which, with all of its theological and aesthetic blemishes, nevertheless demonstrates quite clearly that today’s Reform Judaism sides with Frankel, rather than with Geiger, on the issue of Hebrew in the synagogue. But that is not all. The position with which Frankel disagreed so spectacularly was actually never carried into practice by German Liberal Judaism, least of all by Geiger himself. (The Berlin *Reformgemeinde* represented the sole exception.)

A good case could, in fact, be made for saying that, ideologically, American Conservative Judaism, rather than American Reform Judaism, is the heir of the German Rabbinical Conferences of the 1840s and of German Liberal Judaism as such. (We advisedly say, “ideologically.” The ethos as well as the ethnic composition of the two forms of Judaism are, of course, widely different—even as the environmental factors are far from being identical.) Like the German Liberals, American Conservatives seek justification for necessary changes in the sources of Tradition. (American Reform Judaism has seldom felt the need to justify itself *vis à vis* and through Tradition.) Like the German Liberal prayerbooks, American Conservative prayerbooks treat the sacrificial cult as a historical reminiscence and not as a future hope. Like the German Liberals, and unlike the American Reformers, American Conservatives tread rather gingerly when it comes to interfering with the traditional laws of “personal status” which maintain the unity of *Klal Yisrael*. Like the Liberal worship service in Germany, the Conservative worship service in America is basically in Hebrew with only some prayers in the vernacular. Like German Liberal Judaism, though with perhaps a little less enthusiasm, American Conservative Judaism finds organ accompaniment compatible with Jewish worship. And like German Liberal Jews, American Conservative Jews expect their rabbis to be far more traditionally observant than they are themselves. Perhaps the only significant difference may be found in the Germans’ hang-up on “universalism *versus* particularism,” from which, happily, American Conservative Judaism never really suffered. On the whole, therefore, and not meaning to belittle the achievements of Solomon Schechter, his co-workers and disciples, it may well be said that the antecedents of American Conservative Judaism include German *Liberals*

Judentum as well as Frankel's "historical school," Geiger's "progressive revelation" as well as Schechter's "catholic Israel."

Yet, and here we get back to our initial problem, such an evaluation of Conservative Judaism, offered "from without," may not necessarily be acceptable "from within." It does, after all, regard Conservative Judaism as moving within the broad spectrum of liberal Jewish religion; and it seems to this observer that some leading figures of the Conservative movement would much rather be regarded as moving within the broad spectrum of Orthodox Jewish religion. Recent struggles in, and around, the Law Committee of the Rabbinical Assembly may be seen as reflecting, in part, not so much a confusion about the image to be desired, but the fact that different ideologies claim to be equally representative of what Conservative Judaism is all about—a spectacle fully paralleled by what is going on in contemporary Reform Judaism.

Still, the ideological and halakhic struggles within the Conservative movement must be seen in perspective. Conservative Judaism might defy a precise theoretical definition, but, as a concrete and identifiable phenomenon in American Jewish life, it is very much a reality. It has its own distinctive ethos, expressing the mood of an Americanized *amm'kho*. (Reform Judaism is now trying to appeal to the same "clientele." But, in the process, Reform has to try very hard to live down its previously established image—thereby alienating some of its own indigenous constituents.) Conservative Judaism also has its distinctive loyalty to Tradition. Any number of Conservative Jews may eat shrimp with the same gusto with which *sherez* is consumed by their Reform counterparts. But, unlike the latter, they still know that Judaism frowns on the consumption of that particular food, and they would be utterly shocked if shrimp were actually served on the premises of a Conservative synagogue.

Again, there may be any number of Conservative Jews who marry out of the faith. But, unlike an increasing number of Reform Jews, they certainly would not expect their rabbi to "solemnize" such marriages.

Some Orthodox authorities may object to the changes which Conservative Judaism has made in the application of Jewish marriage and divorce law; but, unlike Reform Judaism, official Conservative Judaism has never sanctioned the breach of such laws of "personal status" (*hilkhot ishut*) as have guaranteed the fundamental unity of *Klal Yisrael* and the ability of the sons and daughters of other "wings" of Judaism to marry the sons and daughters of the Conservative "wing."

"Change *within* the halakhic system" may not always be assured of immediate universal assent. Indeed, it may not be an adequate description of the kind of change which many of the lay constituents of Conservative Judaism permit themselves without giving too much thought to the issues involved. But, at any rate, as an ideal and as a guiding principle, it is a distinctive emphasis of Conservative Judaism.

Nor must we overlook Conservative Judaism's commitment to Jewish

learning—a commitment exemplified by the wholehearted Conservative espousal of the Jewish Day School, and by the entrance requirements for the Rabbinic department of the Jewish Theological Seminary as well as by the prerequisites (six hours of Hebrew school per week throughout the year) for admission as a camper to Camp Ramah. Again, this is not to suggest that all Conservative rabbis are *talmidei ḥakhamim*, that the average Conservative Jew is necessarily a learned Jew, or that the Ramah camps do not, on occasion, admit campers who fall short of the prerequisites. But it is to assert that, in its commitment to Jewish learning, Conservative Judaism refuses to elevate the lowest common denominator to the status of a norm.

All of which does not mean that Conservative Judaism is so unique that it does not have its problematical aspects. No movement within Judaism is without them.

Seen “from without,” one of Conservative Judaism’s major problems seems to be that, on occasion, it lacks the courage of its own convictions. Too often there is the look over the shoulder, the sneaking suspicion that Orthodoxy may be the true guardian of “authentic” Judaism, after all, and that the changes introduced by Conservative Judaism are really not quite *glatt kosher*.

Instrumental accompaniment of worship services may be tolerated within the Conservative framework. But it certainly is not joyously and enthusiastically encouraged. (I have even heard of Conservative synagogues where the organ is played on an ordinary Sabbath, but never on Yom Kippur!)

Under the editorship of Rabbi Jules Harlow, the Rabbinical Assembly has produced a magnificent High Holy Day prayerbook; but the United Synagogue has not been urging its constituent congregations to adopt it. (The “Silverman Maḥzor,” used in most Conservative congregations, is, at least in its Hebrew part, strictly Orthodox.)

Conservative Judaism, while maintaining the basic Hebraic structure of the worship service, does permit the recitation of some prayers in the vernacular. Happily, unlike Reform Judaism in the nineteenth century, Conservative Judaism has never made an “ideology” of prayer in the vernacular. It simply recognizes the fact that a good percentage of the worshippers is unfamiliar with Hebrew, and that the devotional needs of those worshippers must also be met. But, somehow, Conservative rabbis and cantors do not appear to be completely convinced that the Almighty really does understand English. At any rate, it has been the experience of this writer in any number of Conservative synagogues that, instead of having most prayers recited in Hebrew, and some prayers recited in English, the prevailing custom is to repeat the English prayers in Hebrew. The net result of such a procedure is that Conservative services tend to be even longer than Orthodox services, so that, in the words of *Avot*, “the gain is nullified by the loss.”

We have taken our illustrations from the realm of worship. No doubt, they can be paralleled by illustrations from other realms, such as Sabbath and dietary observances. Moreover, the scrapping, some years ago, of the late Louis Epstein's proposal for emending the *ketubah*, in the face of Orthodox opposition, would also indicate some lack of Conservative self-assurance. It must be stated in all fairness, however, that, with the adoption of the Rabbinical Assembly's new version of the marriage document, that inglorious chapter was at last overcome.

In the State of Israel, Conservative Judaism, fighting for official "recognition" of its rabbis, may well be justified in not making common cause with that "wing" of Judaism which, in America, is guilty of countenancing too many infractions of the laws of "personal status." But, instead of offering its own distinctive halakhic option, the Conservative policy in Israel seems to be an effort to "pass" as Orthodox—an unsuccessful effort, at that.

Be all that as it may. Such and similar problematic stands do not invalidate the very important and significant contributions which Conservative Judaism has made to the totality of American Jewish life. Faced by a choice between an unbending Orthodoxy, on the one hand, and a completely anarchic Reform Judaism, on the other, there would have been many American Jews (perhaps the majority?) left out in the spiritual cold. Conservative Judaism has manifestly appealed to those many American Jews, and has provided them with a religious identification which meets their inner needs.

But Conservative Judaism has also done more than that. It has managed to transmit some of the innovations for which the nineteenth-century Reformers struggled and bled to congregations which insist upon calling themselves Orthodox. At the same time, it has exerted a not inconsiderable influence upon the development of Reform Judaism—at any rate, upon that segment of the Reform movement which is beginning to show a greater openness to traditional Jewish values and practices than Reform Judaism in this country has ever shown before. The influence of Reconstructionism (an offshoot of Conservative Judaism in those days) upon the formulation of Reform Judaism's 1937 "Columbus Platform" was also considerable.

When the Jewish Theological Seminary was founded ninety years ago, it was not really founded as a "Conservative" seminary at all. The desire then was to train English-speaking Orthodox rabbis. And when Solomon Schechter took over, and saw "catholic Israel" incarnate in the Conservative movement, he actually had no intention of adding yet another "denomination" to the inventory of American Jewish life. Historical, sociological and demographic factors have decreed otherwise. Denominationalism was the form which American Judaism was destined to take; and Conservative Judaism was made to fit into that pattern.

But what comes into existence in time also passes away in time. Jewish

denominationalism in America came into existence in time. It may pass away again once it is generally recognized that the causes responsible for its origin are no longer operative, and that a realignment of the religious groupings within American Judaism has become an urgent necessity. When that time comes, some whose "denominational" allegiance today may lie elsewhere might come to realize that Conservative Judaism has been carrying the ball for them all along.

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Human Relationships in the Jewish Tradition

CHAIM W. REINES

MAN IS A SOCIAL ANIMAL, SAID ARISTOTLE. Similarly, a popular proverb which is quoted in the Talmud is "either companionship or death."¹ The human being, from childhood on, is used to intercourse with people and, therefore, he usually abhors solitude.² He craves to communicate his intimate thoughts and feelings to others and to discuss matters of common interest with them. Further, man is so constituted that he is also eager to share his joys with his fellows, delighting more in company than in solitude. Especially in time of leisure, when the mind is not occupied with serious work, men seek to escape boredom and cares by a pleasant pastime in society. Sociability may be judged, therefore, from various viewpoints. Apart from a strictly ascetic viewpoint, no objection can be made to the hedonistic motive for it, since it fulfills a basic human need. Insofar, also, as sociability promotes sympathy and solidarity between individuals, it has a positive moral value. However, it may also have an adverse moral effect on individuals when it promotes idleness and frivolous amusements.

In the following we will consider the forms of social relationships which are recorded in the Biblical and Rabbinic literature, and the attitude to them which is expressed there.

Gregariousness

Gregariousness is rooted in a strong human instinct, since most men are eager to be in a group with their peers. In antiquity, people were more gregarious than at present, when they are more secluded. They would assemble in public places or in the street for conversation and entertainment, as was the case in ancient Rome. In ancient Israel, in Biblical times,

1. *Taanit* 23a.

2. Withdrawal from society, which was sometimes practiced by certain mystics, was not known in Jewish antiquity. The prophets (who were not mystics) never retired to the desert, as was the case with some Christian saints. Only of Elijah is it reported (1 Kings 19:4) that in time of despair he withdrew for a certain period to the desert. In the Middle Ages some cabbalists and moralists advocated a limited solitude for the sake of spiritual concentration, but not total withdrawal from society.

the city gates were the main location where people gathered for various business transactions, holding of court, the discussion of public matters, or just for conversation.³ The young people used to gather there for drink and song. The Book of Lamentations bemoans the fact that, since the exile, the elders have stopped assembling at the gates and the young have stopped the singing (Lamentations 5:14). Obviously, this passage does not condemn joyous entertainment in groups; quite the contrary, it regrets that since the exile this is no more possible.⁴ However, because some people were preoccupied with idle talk and amusements, they neglected their work, especially work in the fields which demanded all their available time, and, thus, they suffered material damage.⁵ There were also complaints that the people who gathered in the city gates and elsewhere for idle talk and amusements were engaged in slander and the ridicule of unfortunate pious people (Psalms 69:13). Job complained bitterly that, since his misfortune befell him, youths who formerly were despised by him and by all decent people, amused themselves at his expense (Job 30:1, 5, 8). The Psalms praise the man who does not sit in the assembly of the scoffers but devotes himself to the study of the Torah (Psalms 1:1, 2). In Talmudic times, scholars used to recite a prayer expressing their gratitude for belonging to those who sit in the house of study (*Beth Hamidrash*) and not to those who gather on the street corners.⁶ These latter were denounced for their unwillingness to learn and for engaging, instead, in evil talk (slander, etc.) and amusements. The rabbis warned the scholars against joining the company of the *am haareẓ* (the unlearned), lest they be influenced by their vulgar manners.⁷ Rabbi Dosa ben Hirkanos said that the assembly of the *am haareẓ* in the public houses, the drinking of wine at the noon, and childish prattle (senseless talk) take a man out of the world (ruin him morally).⁸

Greetings and Friendly Receptions

The rabbis assigned great importance to those customs which are accepted in society as expressions of goodwill and friendliness. A greeting was not regarded by them as just a conventional act lacking any inner meaning (as viewed by some thinkers in recent times), but assigned a moral meaning to it, since it signifies peace and goodwill among people (as

3. Proverbs 31:22; Ruth 4:11; Amos 5:10; Job 29:7.

4. Cf. also the complaint of Jeremiah (15:17) that because of the grim message which he received from the Lord he cannot enjoy himself in mirthful company.

5. Proverbs 12:11 says that the one who tills the earth is satiated with bread, but the one who pursues vain things is void of sense. By "vain things" are apparently meant drink, song and idle talk. Cf. also Proverbs 14:23.

6. *Berakhot* 28b.

7. *Berakhot* 43b. The stoic philosopher, Epictetus, also said that it is unbecoming for a philosopher to join the company of the unlearned, since they are engaged in slander and ridicule (Epiktet, *Handbuechlein der Moral*, pp. 84-85).

8. *Avot* III, 10.

indicated by the Hebrew term *shalom*).⁹ The rabbis, therefore, urged a greeting for everyone (acquaintances).¹⁰ Of Johanan ben Zakkai, the most renowned teacher and leader after the destruction of the Temple, it was said that he never failed to be the first to greet people whom he met in the street.¹¹ However, not all people were so humble as Rabbi Johanan ben Zakkai; there were some conceited individuals who did not even deign to reply to a greeting from people of a humble status. It was stated, therefore, that if a man knows someone who is in the habit of greeting him, he should even greet him first and if he does not care even to reply to his greeting, it is as if he robbed him of his inheritance,¹² as stated by the prophet, "You are oppressing my people, the robbery of the poor is in your house."¹³ So important was a greeting considered by the rabbis that the halakhah allowed the interruption of the recital of the confession (*sh'ma*) at certain passages for its sake. A distinction was made in this matter, however, between greeting of a person of high rank who is treated with awe, a person of lesser dignity who is treated with respect because of his spiritual and moral qualities or social position, and an ordinary man.¹⁴ This regulation shows that, although from the ethical viewpoint the rabbis demanded that one greet everyone, no matter what his social status, actually, in social life, a distinction was made among the various ranks in accordance with the stratification of society at the time.¹⁵ The rabbis also urged that one receive everyone in a friendly and joyous way, since when someone is given a "cool" reception it causes him pain and offends his dignity.¹⁶ It was stated, therefore, that even if one gives precious gifts to someone but, at the same time, makes a grim face, it is considered as if he has not given him anything.¹⁷

Friendship

The value of friendship is much stressed in Biblical and rabbinic literature. Its meaning is well expressed in one passage in the Psalms where the singer, complaining about an unfaithful friend who has turned against him, says, "but you are a man of equal rank with me, my confidant and friend, we used to hold sweet counsel and walk together in the house of God" (Psalms 55:13-14). These words indicate that friends should be

9. Cf. *Berakhot* 6b; *Gittin* 61a.

10. *Avot* IV, 5.

11. *Berakhot* 17a.

12. *Berakhot* 6b.

13. Isaiah 3:14. Presumably this statement has in mind the rich who thought it below their dignity to exchange greetings with poor people.

14. *Berakhot* 14a.

15. According to sociologists, greeting was originally used with regard to high dignitaries (kings, a.o.), and it signified submission. But, later, with the democratization of society, it signified respect for the individual (H. Spencer, *Principles of Sociology*, p. 224).

16. *Avot* I, 15; III, 12.

17. *Avot de Rabbi Nathan*, 13.

equal (in social status, character, etc.),¹⁸ they must be intimately acquainted, and their association must be pleasant to both of them. In speaking to his students, an early Pharisee teacher advised them to "get a teacher and acquire a friend."¹⁹ The latter is defined as one with whom one should study, eat, dwell together, and entrust one's secrets.²⁰ Friendship further implies a strong emotional attachment, as if there were "a fusion of the souls,"²¹ as expressed in the Biblical statement about the friendship of Jonathan with David, that his soul was bound with the soul of David and he loved him as "himself."²² Now the Biblical commandment is that one love everyone as oneself (Leviticus 19:18), but though this commandment expresses a moral ideal which should serve as a guide in relation to one's fellowman, it is seldom fulfilled literally. Among friends, however, this ideal may be actually realized. It is stated that a friend loves all the time and is like a brother in time of distress (Proverbs 17:17). A rabbi, using the popular proverb "either companionship or death," said, "either friends like the friends of Job or death."²³

Friends are usually eager to visit each other often. Frequent personal contact, as among neighbors, promotes goodwill among people, while long separation may cause estrangement even among near relatives. It is stated, therefore, that "better a near neighbor than a remote brother" (Proverbs 27:10). But the Wisdom literature, with its sharp psychological insight, warns against too frequent visiting of a friend, since he may become oversatiated and the love may be converted into hatred (Proverbs 25:17). This statement may be interpreted from two viewpoints. From the strictly hedonistic one, as is the case with other satisfying things, the visit of a friend is pleasant only at intervals, and when repeated too often may become annoying. Secondly, in ancient Israel, the privacy of the home was jealously guarded, and too frequent visiting by an outsider, even if he were a close friend, was, therefore, felt as an encroachment on that privacy. The Wisdom literature also warns against indiscriminate friendship with many people, since they may intend only to derive some benefit from this friendship and forsake one in time of adversity.²⁴ The rabbis said that a friendship which is based in the love of the friend for his own

18. Also, Aristotle (*Ethica Nicomachea* VIII, 1155a) remarks that equality is essential for friendship.

19. *Avot* I, 6.

20. *Avot de Rabbi Nathan*, VII. Also, Kant states that a man has the need to open his heart to another person, but he can entrust himself only to a friend (E. Kant, *Metaphysik der Sitten*, Edit. Vorlaender, p. 333).

21. Cf. Joseph Aknin, *Sefer Hamusar*, edit. Bacher, p. 11. The halakhah (*Berakhot* 58b) ordered that if one sees a friend after the elapse of thirty days, one should recite the benediction, "Blessed are you who kept us alive to this moment." *Tosafot* explains that this regulation applies only with regard to a friend who is dear.

22. 1 Samuel 18:1; cf. also, Deuteronomy 13:7.

23. *Baba Batra* 16b. The friends of Job are mentioned here because as soon as they heard of his misfortune they came over to comfort him (Job 2:6-11).

24. Proverbs 18:24. Cf. Ben Sira 6:6-11.

sake and does not depend on some ulterior motive, like the friendship of David and Jonathan, will last forever. But a friendship which depends on something else (pleasure or a material advantage), like the love of Tamar by Amnon (2 Samuel 13:15), will disappear when its cause no longer exists.²⁵ True friendship, thus, has its roots in pure love and devotion, to the exclusion of any selfish motives.²⁶ The rabbis also recognized the influence of a friend for good or for bad. They warned, therefore, against friendship with a morally depraved person, and recommended, rather, friendship with a person of good character.²⁷

Hospitality and Feasts

Hospitality is based in a custom which prevailed among various peoples in antiquity. On one hand, it served the practical purpose of giving temporary shelter and food to a traveller.²⁸ On the other hand, it signified friendliness and esteem, as when a guest arrived and was treated to a delicious meal.²⁹ As reflected in the Biblical narratives, the ancient Hebrews were distinguished for their hospitality. When Abraham saw three strange man passing his house he bowed before them, addressed them as "my lord," and invited them to his house. He then told Sarah and the servant to slaughter a sheep and bake cakes, prepared milk and butter and himself served the guests.³⁰ However, hospitality is sometimes motivated, not by genuine friendship, but by flattery and the fear of getting a bad reputation by withholding it. The Wisdom literature, therefore, warns one not to accept the invitation of a selfish and niggardly host, who says "eat and drink" but who, in his heart, feels otherwise (Proverbs 23:6). It seems that some people even went so far, in their zeal to display hospitality, that they deceived their guests, as when they set a bottle of oil before them to anoint themselves (as was the custom at the time), though the bottle was actually empty. The rabbis forbade such a practice, though they allowed it in the case when it was intended only to express symbolically the esteem in which the guest was held, and no deception was intended.³¹

The cultic festivals in the temples in ancient Israel were, in fact, feasts at which the people enjoyed themselves with the sacrificial meal and the

25. *Avot* V, 16.

26. Aristotle (*Ethica Nicomachea* VIII, 1156) also distinguishes between friendship which is based in pleasure or advantage, and friendship which is based in virtue. He says of the first two kinds of friendship (for the sake of pleasure or advantage) that they do not last.

27. *Avot* I, 7; II, 9.

28. Cf. Judges 9:15, 16; Job 31:32.

29. 2 Samuel 3:20. The treatment of a guest differed according to his dignity. A person who was held in high esteem was given a better portion. Cf. Genesis 43:34; *Baba Batra* 145b.

30. Genesis 18:2-8; cf. also Genesis 19:3. Similar customs of hospitality are found among the Bedouins (Skinner, *Genesis*, p. 299).

31. *Hulin* 94a.

wine and gave free rein to their passion.³² The prophets bitterly denounced such revelry when the people were more concerned with their sensual enjoyment than with their religious devotion (Hosea 4:11).

Private individuals made feasts for various joyous events in their life, like the birth of a child,³³ or the shearing of the sheep (2 Samuel 13:23), though parties were also held just for the sake of enjoyment with friends. Among the wealthy, these were quite lavish, with sumptuous food, wine, song and music.³⁴ There was often some drunkenness at these gay parties,³⁵ and the prophet Hosea complained that even the king joined the scoffers at one such party, which was apparently held to celebrate his ascendance to the throne (Hosea 7:5). The prophet Isaiah complained that the people, being seduced by wine and song, lacked the inclination to look on the magnificent work of the Lord in the Creation (Isaiah 5:12). In these words, the prophet expressed the general moral and psychological truth that people who are absorbed in sensual pleasures usually lack higher spiritual interests. Koheleth says that it is better to go to the house of mourning than to the house of feasting, since the former reminds man of his inevitable end and he will take it to heart. The heart of the wise man is in the house of mourning, while the heart of the fool is in the house of mirth (Koheleth 7:4). With these words, Koheleth denounces those who want only to enjoy themselves and are oblivious of their moral responsibilities. In keeping with Koheleth's advice, some pious people at the time of the Second Temple preferred to go to the house of mourning,³⁶ but there was little effect on the masses.

In Second Temple days, feasts were much in vogue, and a strict etiquette was observed in them. A master of ceremonies was chosen, and a speaker would say words of wisdom (as was the custom also among the Greeks). Ben Sira, who, in contrast to Koheleth, approved of feasts, urged the speaker not to take too much time in order not to disturb the singing.³⁷ The nobles of Jerusalem were very particular in the selection of guests for their parties, and some of those who were asked waited for a second, confirming invitation, because the host might have recanted meanwhile. If the caterer spoiled the meal, he was fined according to the dignity of the host, since his prestige suffered from it.³⁸ After the destruction of the Temple, the rabbis forbade singing at the feasts, as a sign of mourning,

32. Cf. Judges 9:27; Amos 2:8. See Robertson Smith-Cook, *Religion of the Semites*, pp. 255, 263.

33. Abraham made a feast when Isaac was weaned (Genesis 21:8). In later times, a feast was made when a boy was circumcized.

34. Amos 6:5, 6; Isaiah 5:12; 24:8; Job 21:12.

35. 2 Samuel 13:28; 1 Samuel 25:36.

36. *Semahot*, chap. 12.

37. Ben Sira 32:1, 3. In general, Ben Sira expounded an hedonistic viewpoint. He urged people not to forego the pleasures of life, since in the underworld there are no more pleasures. (Ben Sira 13:12, quoted also in the Talmud, *Erubin* 54a.)

38. Lamentation *Rabbah* IV, 2, 4.

but they were not able to enforce this prohibition among the masses.³⁹ The rabbis generally were averse to the numerous banquets which were held in those days just for the sake of enjoyment, and said, therefore, that a scholar should attend only those banquets which are for the sake of a *mizvah* (like a wedding or a circumcision), since these have a religious and ethical character and do not serve merely for enjoyment in company. Harsh words were used against those who accepted invitations to banquets which lacked a religious character, and they were compared to the comedians who sing and dance for a trifle.⁴⁰ However, the halakhah did not generally forbid those banquets which were held for the sake of friendship.⁴¹

Weddings and Funerals

We have seen that, since remotest time, there has existed the custom of arranging dinners for people on specific occasions, since it is believed that the common meal establishes bonds of friendship among those assembled.⁴² Custom also established that, for weddings, feasts were arranged to which the public was invited. In ancient Israel, these weddingfeasts lasted seven days and were quite joyous.⁴³ In Judaism, the assembly of people at a wedding assumed a religious character, signifying the grace of the Lord in creating the first couple and arranging their wedding.⁴⁴ However, the original social character of the weddingfeast as signifying the participation of the public in the joy of the bridal couple was always preserved, and it found expression in the benedictions which were instituted for this occasion.⁴⁵

A wedding in ancient Israel was celebrated with great pomp. The bridal couple were led in a procession, they used to wear crowns, and were

39. *Sotah* 48a.

40. *Pesahim* 49a. In the Middle Ages, the communities forbade any banquets that did not have a religious character. Since, however, there were numerous banquets for various religious occasions, there was ample opportunity for parties (I. Abrahams, *The Life of the Jews in the Middle Ages*, p. 144).

41. *Moed Katan* 22b.

42. Cf. Robertson Smith-Cook, *Religion of the Semites*, pp. 270, 271. In ancient Israel a covenant used to be sealed with a sacrificial meal (Genesis 31:54; Exodus 18:12).

43. Genesis 29:22; Judges 14:10; Jeremiah 33:11; *Ketubot* 7a. At the wedding of the son of the patriarch, Rabbi Judah I, the eminent scholar, Bar Kappara, entertained the guests with his jests, which angered the patriarch (*Nedarim* 50b, 51a; J. Talmud *Moed Katan* III, 1). It was apparently usual at that time to entertain the guests at a wedding in this way. In the Middle Ages, a special jester (*badhan*) fulfilled that role (I. Abrahams, *Life of the Jews in the Middle Ages*).

44. Cf. *Ketubot* 8a, Rashi sub "*semah*."

45. *Ketubot* 8a, "Blessed are you who causes the bridegroom and the bride to rejoice." The same benediction includes the words "joy, love, brotherhood, and friendship," indicating the ethical significance of love and friendship, as well as of joy, in the life of man and wife and of people generally. The rabbis said (*Berakhot* 6b) that one who enjoys the meal of the weddingfeast and does not contribute to the rejoicing of the bridal couple transgresses against the words of the prophet (Jeremiah 33:11) that there will again be heard in the streets of Jerusalem the voice of joy, the voice of the bridegroom and the bride.

called "king" and "queen."⁴⁶ This feature in itself may be regarded as just a dramatization of the kind which is often used in folk festivals, but it does signify the homage which is paid to the bridal couple. A story is told that when King Agrippa was once riding with his suite, they encountered a bridal procession. He ordered his followers to give way to them, explaining that, though he wore the crown all the time, the bride wore it only on that day. The story adds that the sages praised the king for his sensitivity.⁴⁷

In ancient Israel there also existed the custom that, after a funeral, people used to give food to the mourners to comfort them (Jeremiah 16:7). Both of these customs, the attendance of the public at a weddingfeast and at a funeral and the comforting of the mourners, share the concern with the dignity of the individual and the participation of the community in the joys and sorrows of its members. They are included, therefore, under the rubric of *gemilut hasadim*, acts of loving kindness.⁴⁸ At the same time, these customs signify the intimate connection between the individual and the community. A wedding is not regarded by society as just a private matter, since it signifies the union, as sanctified by the law, of two individuals for the sake of the propagation of the human race. It has, therefore, not only a legal but, also, a moral and religious meaning. So, too, death is of concern to the community as a whole, since the individual was its member. The rabbis attached great importance to the attendance of a large number of people at a funeral, as a mark of honor to the deceased.⁴⁹ It was ruled, however, that, in case a funeral procession encountered a bridal procession, the right of way should be given to the latter, because the honor of the living has precedence over the honor of the dead.⁵⁰

The halakhah further ruled that if a man, by a vow, forbade his wife to visit a house of feasting or a house of mourning he should give her a divorce and pay the amount of the *ketubah*, because he had "foreclosed the door to her."⁵¹ The Talmud objects that this reason is valid only if the man forbids his wife to attend the house of feasting, since he deprives her of the opportunity to enjoy herself on this occasion, but not if he forbids her to attend the house of mourning, which causes only sadness. The explanation is given, therefore, that if she will not visit other people when they are mourners, they, in turn, will not come to her house when she is one. These words indicate that attendance at both a house of feasting (at a wedding) and a house of mourning belongs to the acts of loving kindness which

46. Cf. Song of Songs 3:11; Isaiah 61:10. The same custom exists also in the present time among Middle Eastern peoples (Weitzenstein, quoted by K. Budde, *Das hohe Lied*, XVIII).

47. *Ketubot* 17a; *Semahot* XI.

48. Code of Maimonides, *Avel* XIV, I.

49. *Ketubot* 17b.

50. *Ibid.*

51. *Ketubot* 71b. The "house of feasting" probably meant the weddingfeast. Cf. Jeremiah 16:8.

society demands from everyone, whether man or woman.⁵²

Jews of old were a gay and sociable people, sometimes inclined to merrymaking in their social gatherings. Their group entertainments showed, therefore, the same moral defects which are found all over the world among the masses. The prophets and sages of Israel denounced the revelry of the feasts and the vulgar character of the entertainment of those who were uncultured. The rabbis even went so far as to disapprove of all parties which are not for the sake of a *mizvah*. At the same time, however, the rabbis prized highly those forms of sociability (hospitality, friendship, weddingfeasts, etc.) which signify sympathy with, and esteem for, one's fellowman, and were stamped with a dignified character.

52. Cf. Code of Maimonides, *Ishut* 13:11.

The Mysterious Book of Jasher

ARTHUR A. CHIEL

REBECCA GRATZ, OF PHILADELPHIA, AND HER sister-in-law, Maria Gratz, in Lexington, Kentucky, were women of grace and considerable culture, and their correspondence, which extended over two decades, reveals that they had much in common.¹ Mutual interest in family affairs, in social issues of their time, and in literature found continuous expression in the letters which passed between them from 1819, when Maria married Rebecca's brother, Benjamin, until 1841, the date of Maria's untimely death.

In late August, 1840, it was the *Book of Jasher*² which engaged Rebecca's and Maria's attention.³ Translated, for the first time, from Hebrew into English, the *Book of Jasher* had recently been published in New York by Mordecai M. Noah.⁴ With the characteristic enthusiasm which he brought to all of his enterprises, Noah acclaimed the antiquity and historic significance of this work. Maria was very much taken with the *Book of Jasher*, but what did Rebecca make of it, she was eager to know. In response, Rebecca offered her evaluation.

"There is a portion of it very agreeable to me," Rebecca wrote to her sister-in-law, "but so many improbable histories and some impossible exploits entirely destroy its credibility." The *Book of Jasher* was, in her estimation, a rather extravagant chronicle of Bible characters. She confessed to Maria that she had had much higher expectations for the book. A certain Hebrew scholar of her acquaintance had promised her great satisfaction with this work, but, having read it, she was rather disappointed. The role of Satan in the life of Abraham, for example, Rebecca found shocking. The treatment of Joseph, as compared with the original Biblical story, she judged to be inferior, if not spoiled. As for the delineation of Moses, the many adventures linked to his career altogether marred the straightforward Bible characterization of him.

1. *Letters of Rebecca Gratz*, ed. Rabbi David Philipson, D.D. (Philadelphia: The Jewish Publication Society, 1929).

2. Rebecca and Maria Gratz were discussing the recently published *Book of Jasher*. We use this title throughout the article, except when we refer to the original Biblical work, where we use the title *Sefer ha-Yashar*. (A halakhic work of the twelfth century by Rabbenu Tam, and a *musar* work by an anonymous author of the thirteenth century, are both titled *Sefer ha-Yashar*).

3. *Letters of Rebecca Gratz*, pp. 280-282.

4. Isaac Goldberg, *Major Noah: American-Jewish Pioneer* (Philadelphia: The Jewish Publication Society, 1944), pp. 245-246.

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"I found it impossible, as I proceeded in the work," continued Rebecca, "to class it anything other than an old romance." And she was close to the mark in her critique. "One cannot but wonder," she wrote, "that the author or his translator, could expect it would ever pass for the veritable book of Jasher referred to in the Scriptures." Rebecca Gratz's reservations about the antiquity and authenticity of the *Book of Jasher* were well founded. Unknown to her, this work had troubled others, too, before her time and in other places.

The *Sefer ha-Yashar* is twice mentioned by name in the Hebrew Bible. The first reference is to be found in Joshua 10:13 where, in summary of Joshua's poetic address to the sun and the moon, the text reads: "Is not this written in the *Sefer ha-Yashar*?" The second reference, in 2 Samuel, 1:17, as introduction to David's lament over Saul and Jonathan, reads: "Behold it is written in the *Sefer ha-Yashar*." The word *yashar* means: one who is straight, honest, righteous, upright. It was traditionally assumed that the title referred to historical, heroic figures of the Biblical period who were the subjects of this work.⁶

Yet the actual character of the ancient *Sefer ha-Yashar* remains uncertain. Some scholars have theorized that it was a written collection begun in pre-monarchic Israel and that it was subsequently expanded. Others have suggested that it was a compilation of oral tradition of a very much later period. Possibly, it was part of sacred literary archives begun during the monarchic period to preserve some of the epics of Israel. With such obscurity attached to the original, then, it can be seen why the mysterious *Sefer ha-Yashar* could eventually give rise to pseudepigraphical identifications and imitations of it. Two such works are here the focus of our attention. The first is a creation of the eleventh century, an Aggadic work in fluent, Biblical Hebrew; the second is an English product of 1757 which was not at all related to the Hebrew work, except in name.

For a legendary account of the origins of the first *Book of Jasher* we are indebted to Joseph ben Samuel of Fez, the editor-publisher of the printed Hebrew edition of Venice, 1625.⁷ Whether these legends were the figment of Joseph ben Samuel's fertile mind or whether they were transmitted to him is not known. Whatever the case, in the preface, Joseph ben Samuel

5. With regard to the title, *Sefer ha-Yashar*, the term occurs in the Septuagint on 1 Kings 8:53, which has no Hebrew counterpart. The Septuagint refers to *bibloi tos odes*, "The Book of Song," evidently reading or interpreting the title as meaning *Sefer Hashir*. Some scholars, incidentally, so interpret the two Hebrew references to this early source. I, myself, interpret *yashar* from the meaning "strong, powerful," and render the title *Book of Heroes*. (R.G.).

6. B. *Avodah Zarah*, 25a: "Which is the Book of Jasher?—said R. Hiyya b. Abba in the name of R. Johanan: It is the book of Abraham, Isaac and Jacob who are designated as righteous. . . . R. Eleazar said: It is the Book of Deuteronomy. . . . R. Samuel b. Nahmani said: It is the Book of Judges. . . ."

7. There may have been an earlier Hebrew edition in Naples in 1552. See Lazar Goldschmidt, *Sefer hajaschar* (Berlin: Verlag von Benjamin Harz, 1923). Also: *Kiryat Sefer*, 49 (1973-74): 242-244, where Joseph Dan discusses the question of the Naples edition.

presents two equally dramatic tales about odyssey of the *Book of Jasher*. The first of these relates to Titus' taking of Jerusalem; the second is tied to the Septuagint translation of the Pentateuch during the reign of Ptolemy Philadelphus in the third century B.C.E.

At Titus' conquest of Jerusalem, according to the first tale,⁸ Sidrus, a ranking Roman officer, confiscated for himself one of Jerusalem's impressive residences. He found that mansion laden with treasures, among them

a cask full of various books of the Law, the Prophets, and the Hagiographa, also books of the kings of Israel, and the kings of other nations as well as many other books of Israel, together with books of the Mishna adopted and established; many scrolls were also lying there. . . ."

And, in the midst of this collection, Sidrus found a gray-beard Hebrew scholar with whose erudition the Roman was impressed. He proceeded to take the library, and conscripted the aged man to be the caretaker of the precious collection.

Eventually assigned to distant Sevilla, in Spain, the Roman general took with him his Jerusalem treasures along with the venerable Hebrew. Thus were these volumes and scrolls transferred to Europe. Many centuries later, when Naples came under Spanish rule, this library of Hebraica, or some part of it, was moved to that Italian city. In summary of this tale, the publisher of the first printed Hebrew edition writes:

Now this book [*Sefer ha-Yashar*] is the best and most valuable of all, and of this book twelve versions have reached us, and we searched in them and found them all of one copy, there was no difference, nothing added and nothing deficient, nor any alteration in letters, words or events, for they were all alike, one version.⁹

Having offered this testimony about the travels of the *Book of Jasher* from Jerusalem to Spain in the first century, and of its eventual transfer to Naples in the fifteenth, Joseph ben Samuel leaps back in time, to the era of Ptolemy II, in the third century B.C.E. Determined to make his Alexandria library the most comprehensive in the Greek world, Ptolemy Philadelphus had dispatched a learned delegation to Jerusalem, to secure the Hebrew *Book of the Laws*. But though Jerusalem's religious leaders might have been flattered by Ptolemy's request, they were reluctant to entrust a copy of their most sacred document to a pagan potentate. In its place, they sent to him the *Book of Jasher*. Initially, unaware that a substitution had been made, Ptolemy accepted this work of the Hebrews with satisfaction. But, after a time, his learned advisors alerted him to the fact that the Hebrew document in his possession was not the *Book of the Laws*. Whereupon Ptolemy sent a second delegation to Jerusalem, now inviting

8. *Book of Jasher* (New York: Hermon Press, 1972), pp. xv-xvi. This is the most recent reprint of the Noah publication of 1840.

9. *Ibid.*

seventy of their elders to come to Alexandria, where, on their arrival, he “placed them in seventy houses that each should write the *Book of the Laws*.” At last, Ptolemy’s wish was implemented. For, guided by the divine spirit, the seventy scholars separately transcribed for him seventy scrolls; they were all of one version, without addition or diminution. Ptolemy now had, in his great Alexandrian library, two of Israel’s prized works, the *Pentateuch* and the *Book of Jasher*.

With these Ptolemy and Sidrus tales Joseph ben Samuel of Fez set his claim for the antiquity of the *Book of Jasher* and also related its odyssey beyond Jerusalem. In addition to which, this imaginative 17th century publisher proposed thirteen good reasons for readers to purchase his newly-printed volume, not the least being its “helpfulness to every person lecturing in public” and as an inspiration for “all merchants and travelers who have not the time to study the Law.”

Joseph ben Samuel’s hopes for the popular acceptance of the *Book of Jasher* were fulfilled beyond his expectations, and his Venice edition of 1625 proved to be the precursor to many that followed. The work was reprinted successively in a variety of places: Cracow, 1628; Prague, 1668; Frankfort-am-Main, 1706; Amsterdam, 1707; Grodno, 1795; Lemberg, 1816. It was translated into Yiddish and published by Jacob ha-Levi in 1674. The Christian-Hebraic scholar, Johann G. Abicht, translated the *Book of Jasher* into Latin and published it at Leipzig, in 1732, with the title, *Dissertatio de Libro Recti*.

The *Book of Jasher* proved a “best-seller,” and for good reasons. It was an imaginative work, written in elegant Biblical style; it was a flowing, connected narrative which appeared to resolve some puzzling sections of the *Pentateuch*.¹⁰ Above all, it entertained the reader by freeing the imagination in romantic directions. For the serious halakhic student the *Book of Jasher* was a pleasant escape; for the non-erudite reader it was a journey into ancient Hebrew epic. An overview of the book’s contents is worth our attention.

The *Book of Jasher* begins with the events leading up to Cain’s murder of his brother, Abel. The Biblical story (Genesis 4:8) relates that Cain was wroth with Abel over God’s acceptance of Abel’s sacrifice and the rejection of his own. The text then shifts quickly to the murderous encounter of the brothers in the field. The Genesis story is economical, suggestive, while the *Book of Jasher* elaborates the Cain-Abel transaction substantially, including a heated dialogue between the brothers that leads, finally, to the fratricide.

10. Israel Zinberg, *A History of Jewish Literature*, tr. and ed. by Bernard Martin (Cleveland: The Press of Case Western Reserve University, 1972), Vol. I, pp. 186-187; Meyer Waxman, *A History of Jewish Literature* (New York: Bloch Publishing Company, 1945), Vol. I, p. 421; Leopold Zunz, *Ha-derashot Be-Yisrael*, ed. Albeck (Jerusalem: Mossad Bialik, 1947); Louis Ginsberg, *The Legends of The Jews* (Philadelphia: The Jewish Publication Society, 1946), Vol. VII (Index), pp. 559-562.

Similarly, the life of Abraham is described at length, the account beginning with his birth and the appearance of the bright star (8:1-35), and including numerous details, such as two journeys to his son, Ishmael (21:22-48). The same minuteness is displayed with regard to the last days of Sarah and her funeral which, according to the *Book of Jasher*, was attended by Shem, Eber, Aner, Eshkol, Mamre and the Canaanite kings, complete with retinues (22:41-44). The doctrines which the three Patriarchs received through Shem and Eber are given considerable attention. The life of Joseph is portrayed in a particularly expansive manner, and especially poignant is the scene of the young man, as part of the Ishmaelite caravan, passing by the grave of his mother, Rachel; she assuages his sorrow, assuring him his eventual redemption (42:30-40). Joseph's later temptation by Potiphar's wife is presented in a grandly elaborate manner.

In connection with the blessings which Jacob gave to his sons before his death, the *Book of Jasher* depicts the protracted warfare waged between the sons of Jacob and the kings of Canaan because of the rape of Dinah, with the war ending in victory for Israel (34-35). The history of the Israelite sojourn in Egypt and their eventual exodus are interwoven with a variety of legends. The Song of Joshua, which is merely alluded to in the Biblical book (Joshua 10:13) is given in the *Book of Jasher* as a complete poem (79:1-22). The book ends with the death of Joshua and the successorship of the Judges. In total, the *Book of Jasher* is a richly embellished story of the early part of Biblical history, from Adam to Joshua. Its author had resourcefully collected sundry legends and tales connected with events and persons of the early period and had woven them together with a skillfully constructed narrative.

The antiquity of the *Book of Jasher* went unchallenged until 1828, when, in early November of that year the *Bristol Gazette*¹¹ carried a story that Philip Rose, a publisher in that city, was soon to release a most remarkable volume, the *Book of Jasher*. The report indicated that this was the English version of an ancient Hebrew scroll discovered in Persia, in the eighth century, by the renowned English churchman, Alcuin. Alcuin, who had been summoned to France by Emperor Charlemagne to be his personal counsellor, had learned that the *Book of Jasher* was to be found in the royal Gazna library. He determined to make the perilous journey to that far-off Persian city, where, eventually, in return for heavy payment of gold, he was permitted to study the scroll for a period of three years, and to translate it into English. It was this one thousand year-old English translation that was now being published.

Next, on November 19, 1828, a letter appeared in the *London Courier*

11. I have reconstructed the Zunz-Samuel incident from *Gesammelte Schriften von Dr. Zunz* (Berlin, 1876), Vol. III, pp. 98-100, and the Translator's Preface, *Book of Jasher* (New York: Hermon Press, 1972), pp. x-xi.

over the signature of Moses Samuel,¹² a Hebrew scholar of Liverpool. He, too, had come into possession of the *Book of Jasher*, the Hebrew text; it had been brought to him by a Jew from North Africa. Moses Samuel went on to say in his letter that he was currently translating the work and preparing a critical edition of it. He conceded that, while certain later additions had been made to it, the core of this work was, indeed, very ancient—perhaps two thousand years old.

Within ten days of Moses Samuel's letter in the *London Courier*, a lengthy and learned epistle appeared in the *Berliner Nachrichten*. It was, in fact, a treatise suited to a scholarly journal. The *Book of Jasher* was there carefully analyzed and its origins were traced to the twelfth or, perhaps, the eleventh century. It was, in all likelihood, written in Spain by a talented Hebrew. "That period was rich in literary fabrications," concluded the German letter-writer, "the most notable example of this genre, the Book of Zohar." The signatory of the indignant response which appeared in the *Berliner Nachrichten* was none other than Leopold Zunz, the father of *Jüdische Wissenschaft*.

It can now be asserted that this 1828 debate was based on a comedy of errors. Zunz had, indeed, locked horns with Samuel over the *Book of Jasher*, the Hebrew Aggadic work; the *Bristol Gazette* story, however, related to an entirely different *Book of Jasher*. This one was the ingenious product from the pen of Jacob Ilive, a Christian deist,¹³ who, with his brothers, Abraham and Isaac, ran a quality printing establishment in London for several decades. The Ilives were exponents of a variety of non-conformist ideas and Jacob Ilive became a prolific writer of tracts in which he elaborated their views. In them he inveighed against the doctrine of eternal damnation, he favored a religion of nature, and he denied the divinity of Jesus. In 1751, Jacob created a sensation with the latest work which he brought off the family's London press, *The Book of Jasher*. In the title-page, he informed his readers that this book was "translated into English from Hebrew, by Flaccus Albinus Alcuinus of Britain, Abbot of Canterbury, who went on a pilgrimage into the Holy Land and Persia, where he discovered this volume, in the city of Gazna."

Ilive's *The Book of Jasher* consists of thirty-seven chapters which begin with the Creation story and extend to the rule of "Jasher, the son of Caleb who judged Israel in Shiloh." Jasher is represented as an adjutant of Moses, along with Joshua. But even a casual reading of this work reveals the book's real purpose: the rejection of Revelation. Jethro emerges as the

12. While it is obvious from the Translator's Preface to Noah's *Book of Jasher* that someone other than Noah had translated the work, the translator's name is not given. It was Zunz who clued us to that intelligence: "Ein Hr. Samuel aus Liverpool. . . ." In the *Jewish Encyclopedia* I found a brief sketch of Moses Samuel (Vol. XI, p. 24).

13. Walter Wilson, *The History and Antiquities of Dissenting Churches* (London: W. Button and Son, 1808), Vol. II, pp. 290-292.

“founding father” of Israel’s law code. It is Jethro who convokes Moses and the seventy elders on Mt. Sinai where he instructs them about the governance of Israel. Here, then, was the real intent of *The Book of Jasher*: to challenge the credibility of the Pentateuch and to diminish altogether the role of Moses.

Jacob Ilive published *The Book of Jasher* in November, 1751. That it was a fabrication was quickly recognized, and in December of the same year, the *Monthly Review* of London had this to say about Ilive and his creation:

The publisher, in order to give sanction to this pretended *Book of Jasher*, refers to the mention made to such a book in Joshua x. 13, and Sam. i. 18. In both these references, says he, it is appealed to as a work of credit and reputation, and as such was at that time had in great esteem. But the work now published does not in the least appear to be the book referred to in the Scriptures; but a palpable piece of contrivance, intended to impose on the credulous and the ignorant, to sap the credit of the books of Moses, and to blacken the character of Moses himself. Hence it is no wonder that the editor or author has had the precaution to conceal his name. He has trumped up an idle story of the means by which the MS fell into his hands, which he relates in a prefatory epistle to a nameless earl. He has also prefixed a history of Alcuin’s pilgrimage to the Holy Land, of the manner of his procuring a sight of the Book of Jasher, and the means by which he obtained permission to translate it into English. But the whole is so full of blunders, inconsistencies, and absurdities, that we think it beneath any further notice.¹⁴

For his efforts in the writing of *The Book of Jasher*, as well as for his radical tracts, Jacob Ilive was sentenced, in 1756, to three years imprisonment. But his *The Book of Jasher* continued to have a life of its own, and it was the news of its re-publication in 1828 which occasioned the Samuel-Zunz contretemps.

What was it that motivated Mordecai Manuel Noah, in 1840, to publish Moses Samuel’s English translation of the Hebrew work? We can only surmise. On the basis of what is known of his career and of his writings, Noah was an ardent advocate of Israel reborn.¹⁵ He was a bold spokesman for the Jews of his day, while the *Book of Jasher* was an epic portrayal of ancient Israel in all her vigor. It would be good for the gentile world, to whom Noah appealed for support in redressing modern Israel’s grievances, to read the *Book of Jasher*. It had stirred Noah; it might stir Christians, too, who were attuned to the Bible.

But, as is the fate of books, it evoked a varied response. Maria Gratz was intrigued; Rebecca Gratz was ambivalent. She found a portion of the

14. Cited in: Thomas Hartwell Honne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures* (London: Longman, Brown, Green & Roberts, 1846), Vol. IV, p. 742.

15. Robert Gordis, “Mordecai Manuel Noah: A Centenary Evaluation,” *The Early Jewish Experience*, ed. Abraham Karp (New York: American Jewish Historical Society and KTAV Publishing House, 1969), Vol. II, pp. 110-157.

Book of Jasher “very agreeable,” but, on the other hand, she was troubled by the “impossible exploits.” Rebecca Gratz was a genteel lady with strong rationalist inclinations; Noah, on the contrary, was the dreamer of a renewed Zion. Each, then, responded with a different sensibility and temperament. The *Book of Jasher* was clearly a book for the imaginative, and Noah was such a one. He felt it to be “a work of great antiquity and interest, a work that is entitled to a great circulation among those who take pleasure in studying the Scriptures.” And so Noah published the intriguing *Book of Jasher* for the “pleasure” of his generation.

Die Goldene Medina

Review-Essay by DAVID J. SCHNALL

Zion in America. By HENRY FEINGOLD. Twayne, N.Y., 1974, \$12.95.

World of our Fathers. By IRVING HOWE. Harcourt, Brace, Jovanovich, N.Y., 1976. \$14.95.

AMONG THE VARIOUS SOCIAL AND ETHNIC communities that constitute the United States, perhaps none is more prone to self-analysis and evaluation than the Jewish one. An enormous literature has been developed in which the American Jewish experience has been documented, organized, categorized and rehashed in social, political, economic and demographic analyses.

The recent bi-centennial brought with it a tendency toward still further reflection on the role and contribution of all the various groups herein resident, their hardships and debilities, no less than their successes. It is no surprise therefore, that America's 200th birthday should have witnessed the publication of two more volumes of American Jewish history. The one, *Zion in America*, by Henry Feingold, is a survey based upon essentially secondary documentation; the other, Irving Howe's *World of our Fathers* is a concentrated analysis of New York's lower east side.

Feingold, of the history department at Baruch College, has distinguished himself in the past through his interest in the Nazi destruction of European Jewry, especially as it was treated by the American diplomatic corps. In *Zion in America* he has presented us with a masterful text for the beginner, whether in an introductory course in American Jewish history, or in a leisurely attempt to learning more about this phase of Jewish history.

On his part, Irving Howe, Distinguished Professor of English at the City University of New York and editor of *Dissent*, has produced a volume which is a delight to scholar and layman alike. It documents in grand fashion many aspects of the migration of some two million East European Jews to these shores at the turn of the century. Using life in the lower east side as a prototype, the author describes an experience common to many American groups in most large cities around the country.

There are several themes which are common to both volumes and which deserve some mention here. Probably most notable is the process of Americanization. Sociologists have debated the question of whether white

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ethnic groups in America actually assimilate, or merely accommodate. Do they really exchange their old value systems and cultures for those of their new host country, or do they merely modify their outward practices sufficiently to gain a minimal degree of acceptance?

There can be little doubt that, from his colonial beginnings through to the modern age, the American Jew has done his utmost to look, act and speak like an “American.” For the German-Jewish immigrants of the mid-nineteenth century, as Feingold points out, this generally meant mimicking the white Protestant majority in social and religio/cultural terms. More than any theological imperative, this motivation may account for the unusual popularity of Reform Judaism in 19th century America, despite its generally limited success in contemporaneous Europe.

Economically, German Jews arrived in America at the right time. In a period of industrial expansion during the last half of the 19th century, they distinguished themselves, first in light retailing (read peddling) then in large-scale distribution and, finally, in capital finance. Feingold relies upon the work of Birmingham and Higham to illustrate the rise of this immigrant group and their struggles for success.

In particular, he documents their desire for acceptance by their gentile countrymen and the lengths to which they went to achieve and hold it. Such a concern explains their rejection, through the vehicle of the Reform movement, of Zionism at the Pittsburgh convention. It also explains their shock at those individual manifestations of official anti-Semitism that occurred in 19th century America, like Grant’s infamous restriction on Jewish trade in the Union camps and Joseph Seligman’s exclusion from a fashionable resort hotel in Saratoga, New York.

Similarly, Howe relates this desire for acceptance, and the insecurity that it wrought, to the later relationship between these German-Jews and their East European brethren. Ready to aid their fellow-Jews, but, simultaneously, afraid that the sight of impoverished and ragged Jewish immigrants would threaten their own new-found social status, these *Yahudim*—or *Yankele Doodles* as they were derisively called—did help the newcomers, but hoped that they would just stay downtown, quiet and respectfully out-of-sight.

For the recent immigrants, the demands of their “uptown” brothers were both demeaning and patronizing, with the result that they looked down upon these renegades from rabbinic tradition, with their overly proper manners and their emphasis upon extreme social, emotional and intellectual formality. Indeed, one theory proposed for the title that the Germans were given, *Yekkeh*, is that it is an acronym for *Yehuday Keshay Havanah*—i.e. hard-headed, inflexible Jews, who, for all their inflexibility, had taken considerable liberties with the traditional, religious rituals and observances.

Here was another cause for concern by the new comers. They could not be comfortable with the lack of accepted religious practice among

German Jews nor with the formal, almost morbid demeanor which they felt upon attendance at Reform Jewish services. For the strictly Orthodox, "Columbus' Medina" was a place in which religion could not be found and the move to New York meant sure spiritual death. Some even returned to Europe, and for each one who did, hundreds more fantasized about life in their *shtetl*, whose poverty, ignorance and abuse they thought they would never miss.

Yet, despite their disdain for those who would trade their traditions for America's secular culture, these East Europeans outdid all other immigrants in their quest for upward mobility. They displayed it in their mastery of the English language, their unquenchable thirst for education and their attitudes toward both newer arrivals and relatives still resident in Eastern Europe.

The other side of this thrust towards integration into the American social system is a genuine and abiding love for America and the religious tolerance, even the indifference, that it represented. This, too, is a recurrent theme in both of the volumes under discussion. From earliest Colonial times, the New World was a place of refuge to which the Jews could turn, whether from the Portuguese Inquisitors in South America, the Roumanian or Russian peasant mobs or the National Socialist Party. Indeed, it is from this perspective that Feingold takes his title. He quotes Rabbi Gustav Posnanski, a 19th century reformer from Charleston, to punctuate the argument: "This country is our Palestine, this city our Jerusalem, this house of God our temple."

Further, it is evident that one of the greatest motivations for emigration to the New World was the assortment of friends and relatives whom one had already living there. Letters expressing the joys and wonders of this land, its riches and rewards—available to all who would apply themselves—were a constant reminder to the European Jew that he had an option. Often misleading and occasionally outright fabrications to give the writer an underserved status, the communications, nonetheless, served as an impetus for immigration.

Howe makes much of this issue, particularly as he quotes from memoirs and personal interviews with elderly immigrants still resident in New York. Indeed, this writer's own grandmother has indicated that letters to Europe warned those contemplating immigration to buy a shovel and pail, so that, upon arrival, they might be sure to scoop up the gold that lies everywhere in the streets of America as well as the diamonds that grow from each tree branch. Quaint and naive today, these fantasies tell much about the Jewish immigrant's view of America and his position within it.

This economic motivation, and the awe-filled admiration for the new world that it inspired, also tell us much of the life that the Jewish immigrants left behind. Today, some generations later, we can afford the luxury of idealizing ghetto and *shtetl* life. Indeed, we are encouraged to do

so by the popular media, by some of the bearers of rabbinic tradition as well as by some highly selective scholarly accounts. We may, therefore, erroneously believe that the factors leading to these massive Jewish emigrations were largely external. i.e., that pogroms and official debilities were the causative factors. Both Howe and Feingold lay bare these myths. There were easily as many internal reasons for emigration as there were external ones.

Truth-to-tell, the *shtetl* of Eastern Europe was socially oppressive, with a highly developed system of stratification that was so overt as to be obvious even in the arrangement of one's *makom kavua*, one's assigned seat in the synagogue. The wealthy and the learned united as an internal oligarchy at the expense of the poor. For the most part, this small town life—as well as much of Jewish life in the larger cities—was steeped in ignorance, poverty and superstition. Its authority patterns were rigid and cloaked in often unfathomable chains of *yihus*—status ascribed by birth. Howe underscores the attraction of America when he quotes one immigrant—a former European rabbinic student—who sadly exclaims that in America there was no *yihus*, and that the whole world was turned upside down.

Yet, it would be improper to underscore the role that religious tolerance and liberty played in the devotion to their adopted homeland, of American Jews, whether newly-arrived immigrants or fourth-generation “Yankees.” This freedom, especially in comparison with life under other regimes, has always been a major ingredient in the American Jewish admixture. Feingold rightly attributes to it a major role in the extreme sensitivity of Jews toward any perceived threat—something that contemporary critics, who ignore the background of American Jewry, have termed group paranoia.

It also led individuals and groups to band together for self-help and mutual aid. Whether one looks toward the B'nai B'rith, the United Jewish Appeal or the Ezrat Torah, there can be no denying that American Jews have witnessed a proliferation of organizations to match each taste and life-style. At once a strength and a weakness, this diffusion of influence and unity is traced in detail by both authors.

Also of note in this regard is the general concern of American Jews for their brethren abroad. At the personal level, there were thousands who did the most demeaning type of work and lived in dire need, in order to afford the financing of passage for relatives still abroad. At the collective level, American Jewry often reacted to the mistreatment of Jews throughout the world. On occasion the reactions were grandiose—as in Mordecai Noah's scheme to create a Jewish haven on an island near Niagara Falls. Equally, the reaction was often ineffectual and misdirected—as Feingold indicates the American reaction to the Holocaust to have been.

Both authors are also quick to indicate that American Jewish history

had its seamier sides. In situations of extreme dislocation, it is expected that changes in social and moral standards may occur. Some, like increasing religious indifference and a changing view of status, have already been discussed. At the extreme, however, this dislocation may result in social pathology, and pathology was no stranger to Jewish life on these shores.

A most notable example were the Jewish gangsters or racketeers. Though rarely involved in crimes of violence and disorder, Jews were, at times, prone toward fraud, embezzlement and "lighter forms of larceny." True to their desire for upward mobility and, like their fellow immigrants, Jewish gangsters quickly changed their names. Thus, Nathan Kaplan became "Kid Dropper," Harry Horowitz became "Gyp, the Blood," Joseph Toblinsky became "Yuski Nigger" and Solomon Finkelstein became "Silver-Dollar Smith."

Equally disturbing was the presence of moral pathology. Most evident were the existence of vice and of procuring among Jews and the rampant rumors that Jewish mobsters were involved in white slave rings. The question of the validity of these rumors notwithstanding, Howe tells us that "any realistic inhabitant of the East Side could have told one. . . . where prostitution flourished—mainly along Allen Street, with its dark and smelly houses and its rattling elevated trains, but also on Houston, Rivington, Stanton and Delancey Streets." Indeed, the close relationship between these enterprises and the Tammany political machine deserves greater analysis than either of the authors invests.

One more aspect of this social dislocation was the disruption of much of family life, one of the most hallowed institutions of traditional Jewish culture. Aside from the breakdown of patriarchal, indeed parental, authority—a factor common to all instances of demographic transplantation—there also appeared serious strains within Jewish marriages. Both men and women sought new goals in America, goals which may have been incompatible with those which influenced the institutions of marriage in Europe. A *shadchan* may have made much sense if one were to live a *shetl* life, but the move to America was more than the tissues of that venerable institution could often bear.

As a result, there were many instances of wife-desertion, of indifference toward child support, and of the ubiquitous boarder, whose sexual prowess was immortalized in song and legend. Perhaps the most pathetic of figures was the wife whose husband arrived here before she did in order to earn some money and to establish a trade. Many of these men often simply established themselves, forgot about their families and, in fact, remarried.

Stylistically, both books are first-rate. They are easy to read, and display considerable command of the subject matter by their authors. While Feingold's work is primarily a collection of the more detailed scholarship of others, he has succeeded in collating the material and

organizing it in a clear, approachable and creative fashion. At the very least, *Zion in America* will serve as a basic text for many years to come.

Howe's work, on the other hand, will probably be a classic. It is an enormous piece of painstaking research, set in a language and structure which are meaningful to the most uninitiated of readers. His descriptions of the ocean crossing and the squalor of the tenements, as well as of the culture of their residents and their aspirations are both nostalgic and accurate and the numerous citations from a wide variety of primary sources and interviews belie the easy style in which the book is written.

In a sense, it may be unfair to compare the two volumes. Each accomplishes its original goals in grand fashion, and each serves its readership well. The intelligent reader would select these volumes according to his particular needs and priorities: whether they lead to a general survey work of the Feingold variety or to a far more concentrated and detailed work such as that produced by Howe. Nonetheless, the intelligent reader would do well to read both books in turn.

On the Father of neo-Orthodoxy

Tradition in an Age of Reform: The Religious Philosophies of Samson Raphael Hirsch. By NOAH H. ROSENBLUM. Philadelphia. The Jewish Publication Society of America, 1976.

Reviewed by ISMAR SCHORSCH

SAMSON RAPHAEL HIRSCH certainly deserves a major biography. In an age of galloping secularization, he made Orthodoxy viable, respectable, and competitive. Although his message differed enough from that of the Hatam Sofer and his ilk to deserve the label neo-Orthodoxy, it did stridently reassert the theocentric orientation and halakhic preoccupation of traditional Judaism. Hirsch dared to defend what most of his contemporaries abandoned as unsalvageable, and the success of his daring was due no less to his organizational talent than to the passion, eloquence, and intelligence of his ideology. By breaking out of the tightly-knit *Gemeinde* structure in 1876 with the *Austrittsgesetz*, Hirsch created a national network of separatistic communities bound together by faith and fate. With the founding of Agudas Yisroel in 1912, Hirsch's legacy gained international influence, and to this day his ideas and example continue to reverberate. While much of his corpus has now been translated into English and enjoys the approbation of diverse circles in the Anglo-Saxon world, his separatistic spirit threatens to divide Israeli society into two unintegratable camps.

It is regrettable that Noah H. Rosenbloom's recent study of Hirsch, despite the seriousness of the research and critical tone of the writing, brings us no closer to understanding the secret of Hirsch's

enormous influence. Transcending hagiography does not automatically reveal a clearer picture of the past. The possibility of fathoming Hirsch's impact on his age is precluded by the very structure and scope of the book which is hermetically divided between biographical reconstruction and philosophical analysis. But, whereas the biography presumes to cover, albeit superficially, the full span of Hirsch's life, the far longer philosophic section concentrates almost exclusively on a minute summarization and exposition of *The Nineteen Letters of Ben Uziel* and *Horeb*. The inherent imbalance is, therefore, twofold: in size and scope. Instead of an inclusive analysis of all stages and aspects of Hirsch's religious thought throughout his long and productive career, we are restricted to an exhaustive tour of his first two published works.

This prolix and unimaginative treatment is unwarranted. There are philosophic works like Hegel's *Phenomenology of Mind* whose dense and difficult nature requires systematic summarization as the initial step of exposition. But Hirsch would be the first to admit failure if his books resembled them, for he avowedly wrote for an educated audience and not for a guild of scholars. His purpose was to stem the tide of secularization; to be abstruse was to fail.

Rosenbloom does much more, of course, than summarize. He consistently searches for the sources and antecedents of the ideas that are espoused by Hirsch in earlier layers of Jewish and contemporary facets of German thought. The most original thesis of the book is the author's contention of Hirsch's considerable debt to Hegel: Hirsch reinterpreted Judaism along Hegelian lines. But, despite the learning invested by

Rosenbloom in this argument, I remain skeptical. First, I doubt whether the brief stay of one-and-a-half years at the University of Bonn, where he was registered as a student of philology, afforded him sufficient opportunity to master Hegel. In the biographical essay, Rosenbloom portrays Hirsch as a man of limited education, rabbinically as well as secularly. It is rather surprising, then, to see him suddenly emerge, in part two, as an adept Hegelian. Second, many of the Hegelian derivatives alleged by Rosenbloom are simply gratuitous. Some ideas are fairly commonplace and obvious, and elaborate forms of influence need not be invoked to account for them.

Finally, to turn Hirsch into an Hegelian is to make him guilty of the very sin for which he berated Maimonides, Mendelssohn, and the Reformers: interpreting Judaism according to alien principles. In contrast to the rational and developmental approaches to Judaism which came with presuppositions from outside, Hirsch called for a phenomenological study of Judaism from within, on the basis of its Biblical and rabbinic laws and institutions. To call this program Hegelian is to make Hegel a Hirschian and not Hirsch a Hegelian. Hirsch had no concept of development and, for him, there is absolutely no unfolding of an inner Jewish spirit beyond these normative texts. *Horeb* was intended as a specimen of Hirsch's conservative brand of *Wissenschaft*, a completely interior type of analysis. Restricting himself to the Biblical and Talmudic foundations of Jewish law, he expounded the character of Judaism inductively, intuitively and, of course, subjectively.

Rosenbloom's focus on *The Nineteen Letters* and *Horeb* is predicated on an assessment of Hirsch's work made many years ago by Yitzhak Heinemann, whose ex-

tensive studies of Hirsch rested on his own careful research as well as on the Frankfurt oral tradition. Heinemann suggested that Hirsch was a man whose world view was crystallized at an early age and was not much modified thereafter. The literary vintage of the Frankfurt years served only to exposit and enlarge on positions taken in the 1830s, and its character was exegetical rather than formative. This assessment, which deserves to be tested, amounts to a serious indictment of Hirsch's intellectual makeup. Once resolved, questions were never reopened, and the apodictic tone of Hirsch's writing corresponds to the dogmatic cast of his mind. Rosenbloom's final evaluation of *Horeb* is, moreover, unfavorable. Both in regard to approach and substance, Hirsch failed to achieve an interpretation of Judaism capable of withstanding scrutiny and criticism. His method was retrogressive and his arbitrary explanations frequently bordered on the preposterous.

Given this evaluation of his religious philosophy, with which I agree, it should be apparent that the source of Hirsch's success will not be found in the power of his mind, but, rather, in the quality of his leadership. He was not prone to the *vita contemplativa*. His ideas were called forth by the exigencies of the times, and were never far removed from a plan of action. Consequently, what requires painstaking study is not his thought in isolation but his multi-faceted public career. Yet, on this score, Rosenbloom's attempt at biography is particularly disappointing.

The backdrop against which Hirsch is studied lacks specificity. Conventional wisdom stated in the broadest terms substitutes for precise research. Important studies which could have enriched the canvas and sharpened the background are ignored: Helga Krohn on

Hamburg, Jacob Katz on Frankfurt Jewry, in his work on the Freemasons, Salo Baron on Hirsch's political activism for the emancipation of Moravian Jewry in 1848, and Mordecai Eliav's collection of Ezriel Hildesheimer's correspondence.

When it comes to Hirsch, himself, the results are not much better. Rosenbloom insists on taking the unlikely position, differing with Heinemann, that Bernays, in whose proximity the young Hirsch lived for seven formative years, exerted little influence on his religious development. On the contrary, it is much more plausible to assume that Bernays did inspire Hirsch to follow his lead in creating a revamped Orthodox rabbinic type. The title, *Hakham* which Bernays adopted when, in 1821, he became the leader of the Ashkenazic *kehillah* in Hamburg, the largest one in Germany, was meant to underscore the distance between himself and the widely detested old style *Rov*. It may well be that Hirsch acquired his positive attitude toward emancipation, whose novelty and import Rosenbloom fails to appreciate, from the example of Bernays. The sparse evidence which has survived on the latter suggests that he was the first to conceive the strategy that an effective defense of Orthodoxy required a creative response to the inevitable change in legal status.

Equally far-reaching was Hirsch's tenacious and bitter campaign to destroy the structural unity of the local Prussian *kehillah* in the 1870s. This medieval organizational legacy had served to moderate religious radicalism and to retain the affiliation of many secularized Jews. And, yet, Rosenbloom can offer no deeper insight into Hirsch's motivation in this momentous decision, whose divisive force continues to bedevil Jewish life, than deeply wounded pride at not being the rabbi of his own *Gemeinde*!

In sum, the biography of Hirsch still awaits its author. The primary sources for the task exist. The Hirsch *Nachlass*, with hundreds of personal and professional letters, has been preserved and is available for the use of scholars in The Central Archives for the History of the Jewish People in Jerusalem. That Rosenbloom ignored this treasure is perhaps the most grievous shortcoming of his work. There can be little doubt that a searching and empathetic study of this *Nachlass* will yield deep insight into the character and career of a seminal figure. The reward will be commensurate with the labor.

ISMAR SCHORSCH is professor of Jewish history and dean of graduate studies at the Jewish Theological Seminary.

ALL THE NEWS THAT'S FIT TO PRINT ABOUT JEWS ISN'T IN THE NEW YORK TIMES (OR THE WASHINGTON POST OR ON CBS)

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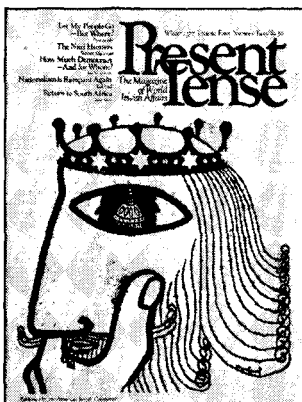
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